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# LABOUR AND FACTORY LEGISLATION IN INDIA

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To the memory  
of  
my father

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## FOREWORD

As far as I am aware, a comprehensive book containing all the existing labour and Factory legislation in India such as this has not yet been published. Interest in Labour problems and particularly in Labour Legislation is daily growing, and a book setting forth the law affecting labour and factories as it stands up-to-date is indeed timely. The first part of the book gives all central legislation and the second part all Bombay provincial Legislation. The last two parts of the book deal with War-time Legislation. I am happy to find that Mr. Trivedi has included Rules issued under the various Acts as well as important notifications. While this entails considerable work, it greatly enhances the value of the book in practice.

In the introduction to the book Mr. Trivedi had admirably summarised the most important provisions of the various Acts and indicated the main features of the Beveridge Plan. He has also discussed the problem of Social Legislation as it affects India after giving a brief resume of International Trends in this sphere. I feel sure that for purposes of reference this comprehensive volume will prove very useful to all those who are in any way connected with labour or the Administration of factories, mines and railways, as well as to the legal profession and employers.

22, Prithviraj Road,  
New Delhi, 1st March, 1945.

B. R. AMBEDKAR.

# PREFACE

The necessity of a comprehensive compilation containing all legislation relating to labour and factories as it stands on statute-book today has been long felt. The Acts, Ordinances, Rules etc. reproduced in this volume have all been separately published by the Government from time to time in book form or in Government gazettes. A consolidated volume embracing them all is, however, not available. Amendments to Acts subsequent to enactment, are invariably published only in gazettes. They are incorporated in the Acts when they are reprinted from time to time. Most of these publications are however, inevitably not up-to-date and thus involve further references. The purpose of this compilation is to rectify these deficiencies and present all such legislation as amended up-to-date in one volume.

The first part of the book contains all Acts of the Government of India which were enacted and were in force before 1st September, 1939 i.e., prior to the outbreak of war. Rules issued under the Acts are also given with them. Selected notifications which have a direct bearing on the enforcement of the Act and which are in practice useful are also incorporated. The texts of Acts, Rules and Notifications have been brought up-to-date by incorporating amendments made in them since the date of enactment or the date of issue. This part thus contains all pre-war Central legislation as it reads today.

The second part of the book gives in full all Acts of the Government of Bombay, enacted prior to the outbreak of war affecting labour and factories. Rules and selected Notifications are also given. These have also been brought up-to-date as in the first part.

The third part of the book contains all Acts and Ordinances promulgated after 1st September, 1939 i.e., since the start of the war. It contains what may be called "War-time Labour and Factory Legislation." This part has also been brought up-to-date like the first two parts.

The Insurance Schemes reproduced in the fourth part of the book have been brought into force since the start of the war and therefore fall properly within the scope of War-time Legislation. They have, however, been separated from the third part for convenience and for the obvious reason that they cannot be regarded as part of legislation affecting the interests of labour. They are more in the nature of statutory liability imposed to meet the exigencies of war than in the nature of labour legislation properly so called. These schemes and Rules issued thereunder are brought up-to-date.

A word of explanation is needed here for the inclusion of Bombay Legislation. Firstly, it falls properly within the scope of the book. Secondly, as compared with similar legislation in other provinces it affects vitally, by the very fact of location, one of India's most important industries, namely the textile industry. Besides, it is also interesting in that it is the only province in which a popular Government experimented with a measure of success in the field of legislation for settlement of trade disputes (The Bombay Industrial Disputes Act, 1938). One of the first efforts in the direction of progressive social legislation is also to be found in enactment of Bombay Shops and Commercial Establishments Act, 1939.

From a brief description of the contents given above it will be noticed that this volume contains what may comprehensively be termed "Labour and Factory Legislation." All Acts, Ordinances and Orders which are reproduced here primarily relate only to labour and factories. While it contains all such legislation, it does not include legislation which may have an indirect bearing on either labour and/or factories, for example the Indian Railways Amendment Act, 1930, the Indian Railway Servants' Hours of Employment Rules, 1931, the Indian Ports Amendment Act, 1931, the Land Acquisition Act of 1933, or the Amendment of the Civil Procedure Code Act IX of 1937. If opportunity offers itself at a future date, it is hoped to make the book complete by the inclusion of all such legislation, legislation of provinces other than Bombay, and acts which provide for conditions of employment in specific districts or industries, such as the Tea Districts Immigration Labour Act, 1932.

It is hoped that the book will prove useful as a book of reference to employers and employees alike and all those who are in any way connected with labour or factories and those interested in labour legislation as such.

I have to thank Mr. S. R. Gupte, B.A.L.L.B. and Mr. C. N. Patwardhan, B. Com., for the valuable help which they have given in compiling this book, and Messrs. Karnik and Telang, Assistant Record Keeper and Librarian of the Government of Bombay for having given necessary references. My thanks are also due to Mr. P. J. Pandya of N. M. Tripathi Ltd. for having readily undertaken to publish the book and to my friends, Mr. R. A. Patel, B.A. and Mr. M. J. Oza, B.Sc. for having supervised printing and publication. Mr. Dhirubhai Dalal of the Associated Advertisers has helped considerably in the completion of this book.

New Delhi,  
1st. January, 1945.

H. M. Trivedi.



# INTRODUCTION

It would be natural to ask "What is the purpose of such a book?" The obvious answer would be that it is a book of reference. While it is not a book of law properly so called it covers in its comprehensive scope all statute law affecting the interests of labour or governing the conditions of employment in factories. This, however, answers the question only partially. There is another and a wider purpose. It will be noticed that the first two parts of the book deal with pre-war legislation and the last two contain war-time legislation. Public opinion has undergone a change since the start of the war. The only index of change in public opinion on questions of labour legislation is the manner in which it reflects in governmental policy. The separation of war-time legislation puts it in its proper perspective and enables us to see the vital differences between the respective periods and the manner in which these differences reflect themselves in statutory law. Hence the need to place in juxtaposition legislation pre-war and during the war. By itself the clarification of these differences is only a subsidiary purpose of this book.

In a wider sense, a comprehensive view of labour and factory legislation as it exists today should enable us to question ourselves on many subjects. It is high time we begin to take stock of what we have done in the field of labour legislation as compared with other nations. It is necessary for us to understand whether we have implemented faithfully the recommendations of the International Labour Office in the field of social legislation. Have we lived up to the full implications of our membership? It is probably no reflection on our zest or sincerity to admit that we have not. Is the argument of very vital differences in conditions in India as compared with conditions elsewhere only a specious excuse or is the difficulty genuine? It is necessary to analyse what has already been done and question ourselves about what we are going to do. The peculiar circumstances, if any, of our country may not be ignored. It may not be necessary to rush with reform or social legislation but difficulties must not be allowed to deter us. We must not stop with stating the vastness and complexity of the problem. Are the foundations laid on which the superstructure of post-war legislation may be built? I doubt if they are. But even if they are, are the foundations secure? What have we secured for our workers? Are there reliable guarantees against reactionary trends, if any? How are we going to harness and utilise reformist tendencies? Before we know how, it would seem necessary to ascertain pre-

cisely the facts and collect statistics and correct information on many aspects of this complex problem. The problem must be set in its proper economic and political setting. It would also seem necessary to study our labour legislation and to keep abreast of present trends in other countries. We must draw a lesson from the efforts in this field of other countries with conditions approximating our own. Have we begun to think of our post-war policy in this sphere? If we have, what are the broad outlines of our policy? If we have—as it seems we have—started to think along planned lines, we must also plan our policy in this sphere at the same time. This problem affects and in its turn is affected by our plans in other spheres. Briefly, therefore, the kernel of the problem is to bring to bear on this question a scientific approach, to define clearly our objectives and to devise methods to achieve them.

### Review of the Past.

Let us first review the past. The outstanding fact to be borne in mind is that the entire body of labour and factory legislation, apart from that which relates to Trade Unions or Trade Disputes, affects only industrial workers. The vast mass of agricultural and other non-industrial workers are not yet brought within the scope of any social legislation as such. According to available statistics, the total number of factories registered under the Factories Act, 1934, was 11,630 in 1939. Of these, only 10,466 were regularly working. The average number of operatives employed during the same year was 17,51,137. Including mine workers, plantation labour, railway workers and some categories of non-industrial workers affected by recent provincial legislation (such as the Bombay Shops and Commercial Establishments Act, 1939), the total number of workers affected by this kind of legislation would not probably exceed 35 lakhs. This brings into relief, on the one hand the very limited scope of this legislation, and on the other the vital need of promoting social legislation for such a large number of our fellow men.

Before analysing the existing labour code, it is necessary to review the circumstances which led to its formation. The principle of State intervention to regulate industrial life and conditions and to better the lot of the industrial worker came to be accepted in India after the Great War, 1914-18. The war made the Indian working classes realise the need of organised and collective action for improvement in their own conditions of life. It also made the employers realise that an organised and contented labour force meant more efficiency and was a help rather than a hindrance. Participation of representatives of the Government, capital and labour in Inter-

national Labour Conferences brought home the need for industrial legislation along western lines. The Report of the Royal Commission on Labour 1931 focussed attention on labour questions and laid the foundations of labour reform in the succeeding period. This period coincided with increased industrialisation of the country under "discriminating protection" and was marked by a general anxiety to avoid at least the gross evils of the early days of industrialization in the west.

The advent of provincial autonomy in 1937 brought to the fore the programmes of organised political parties in the field of labour reform. While these programmes were only partially implemented (as in Bombay by the Bombay Industrial Disputes Act), they served a useful purpose in bringing about a substantial advance in public opinion on questions of labour reform. It came to be recognised that legislation to secure a better standard of living for the workers, minimum wages, limitation of hours of work and protection against the economic consequences of old age, sickness and unemployment could not be long postponed. That is the burden of the recommendations of the Bombay Textile Enquiry Committee, and the Bihar and Cawnpore Labour Enquiry Committees. Attempts at progressive legislation in the provinces also brought home the necessity of having a uniform labour code to eliminate disparities in conditions in different provinces and as between British India and the Indian States. Although the recommendations of the Whitley Commission to form an industrial council was not given effect to, and although the out-going of popular ministries from the provinces meant a set back in this sphere, the outbreak of war and the need for mobilising industry resulted in the convening of labour conferences in 1940, 1941 and 1942 which have paved the way for bringing about a uniformity in the labour code for the whole country. The constitution of the Tripartite Labour Conference in 1942 and the appointment of the Labour Investigation Committee in 1944 with terms of reference almost as wide as those of the Whitley Commission and with recommendatory powers are important forward steps both from the point of view of collection of correct data and the implementation of social policy based on this. From this background and from publications such as Professor Adarkar's report on a Scheme for Sickness Insurance it will be clear that social legislation is likely to figure prominently in the future.

#### **Legislation regulating hours of work and conditions of employment.**

In reviewing the existing code, the first category to be considered is legislation regulating hours of work and conditions of employment.

The Factories Act, 1934 is the most important in this category and imposes the following major limitations:

- (a) The Act applies to factories wherein 20 or more persons are employed and mechanical power is used. It authorises Provincial Governments to extend its provisions to other places where 10 or more persons are employed and manufacturing is carried on with or without the aid of power.
- (b) The Act distinguishes perennial factories (i.e., Establishments which work for more than 180 days in a year) from seasonal factories which work for less than 180 days, such as Cotton Ginning and Pressing and establishments manufacturing coffee, lac, rubber, sugar, etc.
- (c) The hours of work of adult men and women in a perennial factory are limited to 10 hours a day or 54 hours a week and 10 hours a day and 56 hours a week in perennial factories which involve continuous work. The hours of work of men in a seasonal factory are limited to 11 hours a day or 60 hours a week and of women to 10 hours a day or 60 hours a week.
- (d) No adult worker is allowed to work for a period of 6 hours, 5 hours and  $8\frac{1}{2}$  hours without having compulsory rest of one hour, half an hour and two intervals of half an hour respectively. The total spread-over of the daily hours of work is limited to 13 hours a day inclusive of rest intervals. All workers are entitled to a weekly day of rest on a Sunday and exemption from this provision can be given only if no worker is required to work for more than 10 days consecutively without a holiday. No such exemption can be given in respect of children as defined by the Act.
- (e) The minimum age of children is raised to 12 (further raised to 15 by the Employment of Children Act, 1938) and persons between the age of 15 and 17 are called adolescents. No child is allowed to work in a factory unless he produces a certificate of fitness from a prescribed medical authority; adolescents are treated as children and governed by the relevant regulations unless they produce a similar certificate.

Hours of work of children are limited to 5 hours a day, the total spread-over not extending beyond  $7\frac{1}{2}$  hours. They cannot be employed between the hours of 7 p.m. and 5 a.m. or 7-30 p.m. and 6 a.m. unless Provincial Government by notification varies the limit. Incidentally the Act similarly prohibits the employment during night of women also.

- (f) For hours in excess of 54 or 56 up to 60 hours per week in a perennial factory,  $1\frac{1}{4}$  times the ordinary rate of pay is prescribed. For hours in excess of 60 hours a week payment at  $1\frac{1}{2}$  times the ordinary rate is prescribed.
- (g) The Act also requires:
  - (i) Every factory to have an adequate supply of drinking water, proper sanitary arrangements, humidification of factories and sufficient number of latrines, etc.
  - (ii) The manager of the factory has to satisfy himself and, if called upon to do so, the Government Inspector, regarding the safety of machinery, factory buildings and structures and the fencing of dangerous machinery.
  - (iii) The manager has to report to the inspector of factories all accidents which incapacitate a worker for more than 48 hours.

The Act is administered by the Provincial Governments who are authorised to appoint inspectors of factories with adequate powers to enforce the Act, to appoint certifying surgeons, make rules regarding hazardous occupations and prohibit employment of women adolescents or children in such occupations, to exclude children altogether from factory employment, to make rules requiring a factory where more than 150 persons are employed to provide rest shelters or cretches for children below 6 (where more than 50 women are employed) and to keep first-aid appliances etc.

The Act also provides for a penalty, which may extend to Rs. 500 for contravention of any of the major provisions of the Act and enhanced penalty for repeated breach.

The Factories (Amendment Act of 1940) imposes a statutory obligation on Provincial Governments to extend the provisions of the Factories Act regarding health, safety and hours of work and conditions of employment of children and adolescents to all small factories which employ 10 or more persons and use mechanical power. It further empowers Provincial Governments to declare any premises to be a small factory even if less than 10 persons are employed therein.

#### **Children (Pledging of Labour) Act.**

The Children (Pledging of Labour) Act, 1933 lays down that any agreement to pledge the labour of a child (defined as persons below the age of 15), written or oral, expressed or implied, by the parent in return for any payment or benefit will be null and void. A parent who knowingly pledges the labour of a child may be fined up to Rs. 50. Any person who

knowingly enters into an agreement with a parent, or an employer who knowingly employs a child may be fined up to Rs. 200.

#### **Employment of Children Act.**

The Employment of Children Act, 1938 lays down that no child, who has not completed his 15th year shall be employed in any occupation connected with the transport of passengers, goods or mails, by railway or the handling of goods within the limits of a port; such employment being an offence punishable by fine extending to Rs. 500. The Amendment of this Act in 1939 lays down, in addition to the provisions of the 1938 Act, that no child who has not completed his 12th year shall be employed in any of the scheduled occupations; the schedule includes Bidi making, Carpet making, Cement manufacturing, Cloth-printing Dyeing and Weaving, manufacturing of matches, explosives and fire works, Mica cutting and splitting, Shellac manufacturing, Soap manufacturing, Tanning and Wool cleaning.

#### **Indian Dock Labourers Act.**

The Indian Dock Labourers' Act 1934 makes provision for ensuring the safety of persons engaged in the docks. It contains rules prescribing safe approaches over wharves, docks, or quays and means of access to a ship. It also provides for first-aid in cases of accidents, for submissions of report on accidents, and for testing lifting machinery etc.

#### **Indian Mines Act.**

The first Indian Mines Act was passed in 1901, but it was only in 1923 that a sufficiently comprehensive Act called the Indian Mines Act 1923 was passed. The conditions of work in mines and the hours of work are now regulated by this Act as subsequently amended by the Amendment Acts of 1928 and 1935. The following are the major provisions:

- (a) The Act applies to all mines which are defined as "any excavation where operation for the purpose of searching or obtaining mineral is carried on"
- (b) No adult worker, man or woman, can work for more than 9 hours a day underground, or 54 hours a week or 10 hours a day overground. Hours of work are applicable to what are called "relays." Thus excluding the time taken in taking workers underground and bringing them to the surface the hours actually worked underground are nearer 8 than 9. Employment of children (below the age of 15) in mines is prohibited. Persons between the age of 15 and 17 treated as "young

- persons" are not allowed to work unless they produce a certificate of fitness from a certified surgeon.
- (c) The manager, agent or other person in charge of a mine is required to keep adequate supply of drinking water and proper sanitary arrangements and when notified, to keep first-aid appliances and stretchers. He is also required to record all accidents which incapacitate a worker for more than 48 hours and to report to the Chief Inspector such accidents as result in loss of life or serious injury.
  - (d) The administration of the Act is entrusted to the Central Government who are to appoint the Chief Inspector and other inspecting staff. It also authorises the setting up of Mining Boards or Committees to investigate and decide on any matter referred to them. Miners are given two representatives on the Mining Board and they are nominated in consultation with the Miners' Trade Unions.
  - (e) Regulations issued on 7th March 1929 prohibited the employment of women underground in mines and this became fully operative for all mines from July 1939. This however has been partially negated by notifications issued in war-time permitting such employment in certain provinces as a temporary war measure to augment coal raisings.
  - (f) The Act prescribes a fine of Rs. 500 for contravention of any major provisions of the Act. A large number of regulations have also been issued under the Act covering the entire field of special safety devices necessary in mines and prescribing in great detail conditions to make the whole operation of mining as safe as possible.

#### **Tea Districts Immigrant Labour Act.**

The history of Labour legislation affecting plantation workers is very chequered. Prior to 1925 the legislation in force was more protective of plantation owners than of plantation workers. The Employees Act and Workmen's (Disputes) Act, 1860 and the provisions of the Indian Penal Code, 1860 made it a penal offence for a worker to break a contract of service. The Madras Planters' Labour Act, 1903 and the Coorg Labour Act, 1926 contain similar penal clauses. It was only the Act of 1908 which prohibited the employment of tea plantation labour through unlicensed contractors and abolished the right of arrest of workers by plantation owners. The Central Government Act 1925 finally repealed the provisions of the Acts of 1860. The conditions of work and systems of recruit-

ment of plantation labour are now regulated by the Tea Districts Immigrant Labour Act, 1932. Strictly speaking, it is not a piece of labour legislation in so far as it provides only against certain malpractices in recruitment, discharge, migration and payment of wages which had become evident prior to the enactment of the Act.

The Central Government is authorised by the Act to appoint a Controller of Immigrant Labour and levy a cess on recruitment to defray the expenses of the Controller. No child below 16 is allowed to be assisted to migrate to Tea Estate unless accompanied by his parents. The Controller is entrusted with the enforcement of the provisions of the Act which include repatriation, welfare and limitations of contracts of service etc.

#### **Other Acts and Rules.**

No comprehensive legislation has yet been enacted in India to regulate the hours and conditions of work of persons engaged in transport services like railways or road transport services or persons engaged in the docks. Some degree of protection is, however, afforded by the following minor amending Acts and Rules governing hours of work and conditions of employment of railway workers and others :

#### **Indian Railways Amendment Act 1930.**

Besides the Factories Act which applies, the object of this Act is to regulate the hours of work of persons working on railways whose services are not of an intermittent nature. The hours of work of such persons are limited to 60 hours a week. Those railway servants whose work is necessarily intermittent may not work for more than 84 hours a week. A compulsory weekly rest day is provided and exemptions may be granted only during an emergency and excess hours are to be paid for at 1¼ times the normal rate.

#### **Indian Railway Servants' Hours of Employment Rules 1931.**

These rules limit the hours of work and provide for a rest day for certain categories of railway servants excluding those engaged on the running staff or watch and ward duty or in confidential capacity as supervisors and managers and persons covered by the Factories Act 1934 and/or the Indian Mines Act.

#### **Indian Ports Amendment Act 1931.**

This Act prescribes the minimum age of 12 for children and prohibits employment of children below this age in the handling of goods in a port. This age limit has since been raised to 15 by the Employment of Children Act 1938.



**Provincial Legislation.**

We have noticed that the Factories Act, 1934 applies only to manufacturing establishments which employ 20 or more persons and use mechanical power. Provincial Governments have exercised powers conferred by Section 5(1) of the Act to extend its provisions to establishments employing 10 or more persons and working with or without mechanical power. It is however well known that the term "Factory" as defined under the 1934 Act left out of purview of the Act a very considerable portion of industrially occupied persons in India who are employed in hotels, shops, restaurants, commercial establishments, building trades etc. Recently attempts have, therefore, been made by Provincial Governments to extend the principle of regulation to small or unregulated establishments and enforce statutory regulation of hours and conditions of work in such establishments in consonance with at least the minimum conditions laid down in the Factories Act 1934. The Government of Bombay led the way by enacting the Bombay Shops and Establishments Act 1939. This was followed by similar acts in the Punjab, Bengal, Sind, Assam, C.P. and U.P.

The major provisions of all these acts are along the same lines as the Factories Act and prescribe hours of work which shall not be exceeded, prohibition of employment of children and contain provisions to ensure a prescribed standard of cleanliness, ventilation, regulations of over-crowding, lighting arrangements, drinking water, safety of building and also prescribes maintenance of registers and records showing compliance with the provisions of the Acts and inspection and penalties for failure to observe the provisions of the Act.

The trend of progressive social legislation in the provinces was really reflected in these measures of the Provincial Governments.

**Legislation relating to Workers' Organisations and Trade Disputes.**

We next come to legislation relating to Workers' Organisations and that relating to industrial disputes and maintenance of peace in industrial life.

**Indian Trade Unions Act.**

The question of giving a corporative and legal status to Trade Unions and Workers' Organisations and the limitations, if any, to be imposed on workers' right to strike have been subjects of heated controversy in all countries. Legislation on these subjects has necessarily not been successful—and in some cases unwelcome—because the uncertain economic factor of the relative bargaining power of the workers vis-a-vis the employers does not lend itself to legislative control. In

India, the only piece of legislation guaranteeing workers the right to organize and giving a legal corporate status to Trade Unions and investing them with immunity from civil and criminal liability in respect of strikes is the Indian Trade Unions Act 1926.

- (a) Any association of workers if organised for legitimate Trade Union activities can apply to the registrar for registration and obtain a certificate of registration. The general funds of a Union cannot be spent on other than legitimate Trade Union activities. A separate political fund can be created for a specific purpose but a worker who refuses to contribute to the political fund cannot be deprived of his normal Trade Union rights. Every registered trade union has to send in an annual statement of its income and expenditure, assets and liabilities in the form prescribed by the registrar.
- (b) Trade unions preferably registered under the Act are invested with immunity from civil and criminal liability in respect of strikes.
- (c) At least half of the total number of office bearers of a union must be persons engaged in the industry or trade to which the union relates or the Union must intimate to the registrar all the changes of office bearers and supply him a copy of the rules of the Union.

The Trade Disputes Act 1929.

The only central act relating to trade disputes is the Trade Disputes Act. This act is modelled on the British Trade Disputes Act and Trade Unions Act of 1927. The wisdom of modelling an Indian Act on the lines of an act which was passed in U.K. in the temporary phase of reaction after the General Strike of 1926 is open to question. While it imposes strict limitations on workers' right to strike it has one welcome feature. It provides for a conciliation machinery to bring about peaceful settlement.

- (a) It authorizes the Central or the Provincial Government to appoint a Board of Conciliation or a Court of Enquiry to investigate and settle a dispute when "it arises or is apprehended." The Government may also publish reports of such enquiries.
- (b) Any strike by workers engaged in public utility services such as Railway, Water Transport Service, Tramways, Postal, Telegraph and Telephone Services, Power, Light or Water Supplying Services etc. or any lock-out by employees in these services without giving 14 day's notice, in writing of their intention to strike or to lock-out to the party concerned is declared illegal. Strikes of a

general nature not connected with the furtherance of a trade dispute (political or general strikes) or strikes designed to inflict severe and prolonged hardship on the community are also illegal. Workers resorting to or inciting others to resort to such illegal strikes are punishable by imprisonment or fine or both.

An employer is required to report to Government the receipt of notice of his employees to go on strike to the Government within five days, and failure to do so or resorting to an illegal lock-out on his own part are offences punishable under the Act by imprisonment or fine or both.

### **The Bombay Industrial Disputes Act.**

In the provincial field, the Bombay Industrial Disputes Act, 1938, is the only legislation seeking to provide for peaceful settlement of trade disputes. It has been welcomed as being a pioneer legislative attempt to provide conciliation machinery for settlement of trade disputes, and for a peaceful change in conditions of employment and thus in stabilising industry. It has, on the other hand, been criticized on other grounds. It is said to provide a machinery which is cumbrous. This criticism has been partly justified by the history of the application of the Act in practice. The more important criticism is however on another ground. It is said with good reason that in an anxiety to provide machinery for peaceful settlement of trade disputes in all eventualities, the Act has imposed limitations on workers' right to strike, which in the absence of a recognised convention or practice of collective bargaining deprives them in effect of their only ultimate sanction to force a recognition of their legitimate rights. It is also criticized with justification as being an attempt to translate into legislative form a particular ideological approach to relations between capital and labour and has thus resulted in an enactment which fails to provide for the actual economic relationship which subsists today between an employer and an employee. There are certain other features in the Act, however, which are progressive in nature particularly those relating to dealings with different kinds of unions and protection against victimisation for legitimate trade union activity.

- (a) The Act provides for reference of a dispute to the Commissioner of Labour who is the Chief Conciliator or to special conciliators for particular areas. If it cannot be settled by a conciliator, Government may appoint a Board of Conciliation. If both parties agree in writing, the dispute may be referred to an arbitrator acceptable to both. The dispute can also be referred to the Industrial Court for arbitration. The Chief Conci-

liator, Special Conciliators, Board of Conciliation, voluntarily accepted arbitrator or the Industrial Court are the various agencies which may settle trade disputes under the Act.

- (b) The Act classifies important matters affecting employers and employees into two schedules and provides for the adoption after agreement through the agency of the Commissioner of Labour, a set of rules called "Standing Orders" relating to matters in Schedule I. An elaborate machinery is also provided for effecting changes in matters in Schedules I and II.
- (c) Any attempt to strike by workers before Standing Orders are settled or before the expiry of 6 months since settlement is illegal. Strike without giving notice of intention to strike or before the conclusion of conciliation proceedings is also illegal. Similarly a lock-out by an employer before settlement of Standing Orders or before expiry of one year since the settlement is illegal. A lock-out without giving notice of proposed change or before conclusion of conciliation proceedings is also illegal.
- (d) The Act lays down three kinds of Unions which are recognised by the Government and have the right to represent workers in a dispute.

Unions which have a membership of not less than 5 per cent of the total number of employees in a trade can apply to the registrar and can be declared to be "Qualified Unions."

Unions which have a membership of not less than 5 per cent and have been recognised by the employers or unions with a membership of 25 per cent of the total employees, can apply, and be registered as "Registered Unions."

A Union which is a "Registered Union" and has a membership of not less than 25 per cent of the total employees for a period of 6 months preceding can be declared as a "Representative Union."

While the Act does not require an employer to recognise any of these unions, it gives to all these unions the right to send workers' representatives in a trade dispute and thus requires employers to deal with these representatives as such in conciliation proceedings.

- (e) The Act also provides against victimisation of a worker by an employer. An employer cannot dismiss or reduce an employee for his normal Trade Union activities.

### **The Bombay Trade Disputes Conciliation Act, 1934.**

It may be noted that the Bombay Industrial Disputes Act 1938 repealed the Bombay Trade Disputes Conciliation Act only in districts or places where by notification in Government Gazette the former act was made applicable. The Conciliation Act aimed at bringing about purely voluntary settlement of the dispute in question. The Act authorised the Provincial Government to appoint the Commissioner of Labour as the Chief Conciliator when necessary. Conciliators were empowered to institute conciliation proceedings and enforce attendance and require the representation of the interests concerned. The Act also provided for the appointment of a Labour Officer to watch the interests of workers and represent their grievances to employers to obtain redress. He could also represent them in a trade dispute. This Act, however, did not provide either for enforcing an agreement by way of arbitration or even for the enforcement of agreement when reached. If an agreement was reached, the Conciliator was to report the settlement to the Government. Otherwise he was to report the facts and the circumstances of the dispute and the reasons for failure in settlement.

### **Miscellaneous Welfare and Protective Legislation.**

We next come to legislation for the welfare of workers, for the protection of their rights in the matter of wages and compensation and other miscellaneous legislation.

#### **Workmen's Compensation Act:**

The Workmen's Compensation Act was and still is, barring enactments since the war such as Coal Mines Welfare Fund Ordinance and War Injuries Benefit Scheme—the only piece of Social Insurance legislation in India: one of its important characteristics is that the State has imposed liability for compensation on the employer only.

The Workmen's Compensation Act, 1923 as amended by the Amendment Acts of 1926, 1929 and 1933 with minor amendments up-to-date, applies to all manual workers whose monthly earnings do not exceed Rs. 300 and who are employed in factories, mines, railways, ports and other occupations specified in the Act. Every worker employed in these, who in the course of employment sustains an injury which results in partial or total disablement, or death or who contracts an occupational disease arising out of such employment, is entitled after a waiting period of 7 days to compensation at the rates prescribed in the Schedule to the Act. The amount of compensation payable is correlated to the level of his wages and the nature of injury sustained by him.

The administration of the Act is left to Provincial Commissioners for workmen's compensation appointed by the Provincial Government. Every employer is required to report all fatal accidents to the Commissioner. Any contract directly concluded between an employer and a worker with regard to the amount of compensation is declared to be null and void unless it is registered with the Commissioner who satisfies himself that it is not obtained by fraud or indirect influence. In case of fatal accidents, the Commissioner is authorised to call upon the employer to submit the case and state whether he accepts liability or not. If he does not accept liability, the Commissioner may intimate to the relatives or dependants of the deceased to submit a claim for compensation which the Commissioner has the right to investigate into and decide upon.

#### **Payment of Wages Act.**

The Payment of Wages Act is designed to prevent delay in payment of wages. It prescribes deductions from wages which are permissible and regulates fining of workers and method of recovering fines.

- (a) The Act applies to factories and Railways and covers all employees drawing less than Rs. 200, per month. Factories employing more than 100 workers must pay wages within 10 days after the period to which the wages relate and those employing less must do so within seven days.
- (b) No deductions from wages can be made except those permissible under the Act such as fines, deductions for absence from work, recovery of advances, house-rent, income-tax, Court dues, Co-operative Societies' dues etc.
- (c) Fining of children is prohibited. Employers are required to post notices specifying the acts of omission for which fines are imposed; otherwise fines are illegal. Fines can't be recovered by instalments or after 60 days from the date of fining. The maximum amount deducted as fines cannot exceed in any month, half an anna in the rupee of the worker's earnings. Collections from fines are to be utilized for employee's benefit.
- (d) The enforcement of the Act is entrusted to the Inspector of Factories under the Factories Act 1934 and the act embodies punishment for contravention of the Act viz., a fine of Rs. 500/-.

#### **Mines Maternity Benefit Acts.**

As far as welfare legislation is concerned, the only field in which statutory regulation has been enforced is that of compulsory grant of maternity benefits. The Bombay Maternity Benefit Act 1929, as subsequently amended in 1934, was the first

Act which imposed a liability on the employers to give to all women workers who are employed in factories for a given period compulsory rest with pay for four weeks before, and four weeks after delivery. Similar Acts have also been enacted in Madras, Bengal and Assam. During war-time, the Central Government passed the Mines Maternity Benefit Act 1941 extending maternity benefits to women employed in coal mines.

Generally speaking, the provisions of these Acts require employers to give to all women workers who have worked in a factory or a mine for a continuous period of 9 months (qualifying period varying in different Acts) a compulsory holiday of four weeks prior to delivery on production of a medical certificate and four weeks after delivery. Employers are also, required to pay a fixed daily allowance or the average daily earnings of the woman worker concerned whichever is less or more (varying in different acts). The Mines Maternity Benefits Act also provides for the payment of a bonus to women workers who avail themselves of the services of midwife during delivery.

#### **Civil Procedure Code Amendment Act.**

The amendment of the Civil Procedure Code Act 1 of 1937 exempts altogether salaries of workmen getting less than Rs. 100 per month from attachment under a money decree of a court of law. For servants of Government, local bodies and railways getting more than Rs. 100 per month, it exempts from attachment the first Rs. 100 and half of the remainder. Attachment of a worker's salary cannot extend beyond a period of 24 months in all and for a maximum period of 36 months.

#### **Land Acquisition Act.**

The Land Acquisition Act of 1933 enables concerns employing 100 or more workers to secure land at reasonable prices for workmen's dwellings and for providing other housing amenities.

#### **Summary.**

Having reviewed both Central and Provincial legislation we may briefly summarize existing Labour Legislation including war-time legislation as follows:

An average adult worker in a factory or a mine in India today cannot work for more than 10 hours a day. A compulsory weekly holiday and intervals of rest during working hours are secured by law. No child below the age of 12 is admitted to industrial employment and in some occupation this minimum age is raised to 15. Persons between the age of 12 and 17 who are not fit to be treated as adults are regarded as children. Children and women cannot be employed for work at night. Until lately i.e. until the time that notifications were issued exempting certain classes of mines in certain provinces, mining

legislation prohibited the employment of women for work underground. Law secures for the workers regular payment of wages and protects illegal deductions therefrom. Indiscriminate fines cannot be imposed. The state has imposed a liability on the employers to pay compensation according to a prescribed scale to workers who receive injury which results in temporary or permanent disablement. Compensation on a higher scale is provided where death results from injury sustained during the course of employment. Compensation is also payable to those workers who contract occupational diseases during the course of their work. While the law imposes stringent limitations on the workers' right to strike, it also has secured at least the primary rights of workers to organise themselves and even to go on strike for the defence and furtherance of their legitimate interests. In some cases the state has also assumed the responsibility of bringing about a peaceful settlement of industrial disputes. Apart from the Workmen's Compensation Act which properly falls within the scope of Social Insurance Legislation in other countries the only other piece of such legislation in India is the Maternity Benefits Act which imposes a liability on the employer to give compulsory rest, with pay, to women workers for a period of four weeks before and four weeks after delivery. It will also be noticed that the principle of statutory regulation of hours and working conditions has recently been extended to persons employed in shops, commercial establishments, restaurants and in unregulated factories. By legislation of this kind the workers, in some cases enjoy also the right of a privilege leave with pay of 15 days for a continuous period of service of 11 months.

Some advance over pre-war legislation has been made since the war, especially in the field of selective benefits for certain classes of workers in certain industries. The Coal Mines Maternity Benefit Fund Ordinance has prescribed benefits on a higher scale than are to be found in the Maternity Benefit Acts of the various provinces. The right of workers to expect compensation for injuries which they may sustain owing to war or warlike causes has also been recognised by the War Injuries Benefit Schemes 1943. War has also necessitated the mobilising of industry and indirectly has therefore compelled public opinion and the state to recognise some of the primary rights of labour and to confer indirect benefits, such as provision of housing near places of work or provision of transport as is contemplated in the Coal Production Fund Ordinance 1944. Recent rulings of Industrial Courts and of adjudicators in adjudication proceedings instituted under the Defence of India Rule 21 (a) have laid down that dearness allowance—which strictly speaking is compensation to meet the increased cost



of living—forms a part of wages. A close scrutiny of the adjudication awards in the various provinces also reveals that where a dispute has come under adjudication or metaphorically speaking under the eye of the law the judiciary have been prone to recognise, and rightly, in a majority of cases, the customary rights of workers in different industries. Customary bonuses have been enforced by awards. Leave with pay for a period ranging from 7 to 15 days has been approved of and incorporated in adjudication awards. Customary minimum wages in classified trades have also come to be stamped with the recognition of legal decisions under the Defence of India Rules. One of the most important advances has been the imposition by the state of a liability on the employers to insure themselves against payments which they may be required to make under the War Injuries Benefits Scheme. This must be regarded as an important advance in a matter of principle. One of the important incentives to employers to evade liability under the Workmen's Compensation Act is the fact that they are not compulsorily insured against that liability. The extension of the principle of compulsory insurance by employers against liabilities imposed on them by the State for the benefit of workers would be most welcome. The National Service Technical Personnel Ordinance, while it is only a temporary war measure, imposed wholesome limitations on employers' right to discharge workers in recognised trades. The recent formation in certain provinces of employment exchanges and of labour tribunals may also be regarded as the first steps in the direction of preventing casual unemployment which otherwise had come to be regarded as unavoidable.

The summary given above of the existing labour code and of the provisions of social legislation which exists in India gives us an idea of the great leeway which we have yet to make up in this field. It is not suggested that India's achievement in the field of labour legislation is meagre, but it certainly cannot be classed remarkable. One may agree with the observation of Mr. Harold Butler, that "the conditions prevailing in India do not compare unfavourably with those in many European countries" but one must recognise that the observation is confined firstly to large scale industries and secondly to the conditions prevailing. The observation must not be regarded to imply that India's positive achievement in the field of social legislation is in any sense considerable. It cannot also be maintained with any degree of accuracy that India has been in line with other nations in the past in the matter of labour legislation or has fulfilled to the letter or fully in spirit the recommendations of the International Labour Office during the last two decades.

**Recent International trends.**

As against our existing labour code including our war-time legislation it would be fruitful to observe broadly recent international trends in the field of social legislation. Several attempts at comprehensive social legislation have been made lately in many different countries. The conditions of employment and state guaranteed benefits are admittedly the best in Russia. She has experimented with a 5-day week and 40 weekly working hours—and with success. Large scale experiments in social legislation have also been inaugurated by New Zealand. It is common knowledge that schemes of unemployment insurance, sickness insurance or sickness benefits, a reduction in the weekly working hours, contributory schemes for compensation, national health insurance schemes and legislation to enforce minimum wages have been tried and in a majority of cases enforced with success in a number of the industrially advanced countries of the world. A very useful and comprehensive consideration of the whole field of social legislation and practical schemes of social insurance etc. is to be found in the Beveridge Report. It is a very useful guide to international trends in this sphere.

**Beveridge Plan: Guiding principles.**

“The plan is based on three guiding principles. The first principle is that any proposals for the future, while they should use to the full, the experience gathered in the past, should not be restricted by consideration of sectional interests established in the obtaining of that experience. Now, when the war is abolishing landmarks of every kind, is the opportunity for using experience in a clear field. A revolutionary moment in the world's history is a time for revolutions, not for patching work.”

“The second principle is that organization of social insurance should be treated as one part only of a comprehensive policy of social progress. Social insurance fully developed may provide income security; it is an attack upon Want. But Want is only one of five giants on the road of reconstruction and in some ways the easiest to attack. The others are Disease, Ignorance, Squalor and Idleness.”

“The third principle is that Social Security must be achieved by co-operation between the State and the individual. The State should offer security for service and contribution. The State in organising security should not stifle incentive, opportunity, responsibility; in establishing a national minimum, it should leave room and encouragement for voluntary action by each individual to provide more than that minimum for himself and his family.”

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\* Extract from “The Beveridge Report in Brief” published by the Labour Dept. of the Government of India in June 1943.

**Principle of compulsory contribution.**

"The scheme is described as a Scheme of Insurance because it preserves the contributory principle. It is described as Social Insurance to mark important distinctions from voluntary insurance. In the first place, while adjustment of premiums to risks is of the essence of voluntary insurance, since without this individuals would not of their own will insure, this adjustment is not essential in insurance which is made compulsory by the power of the State. In the second place, in providing for actual risks, such as those of death, old age or sickness, it is necessary in voluntary insurance to fund contributions paid in early life in order to provide for the increasing risks of later life and to accumulate reserve against individual liabilities. The state with its power of compelling successive generations of citizens to become insured and its power of taxation is not under the necessity of accumulating for actuarial risks and has not in fact adopted this method in the past. The second of these two distinctions is one of financial practice only. The first raises the important questions of policy and equity. Though the state in conducting compulsory insurance is not under the necessity of varying the premium according to the risk it may decide as a matter of policy to do so."

"After trial of a different principle, it has been found .... that in insurance organised by the community by use of compulsory powers each individual should stand in on the same terms; none should claim to pay less because he is healthier or has more regular employment. In accord with that view, the proposals of the Report mark another step forward in the development of State insurance as a new type of human institution, differing both from the former methods of preventing or alleviating distress and from voluntary insurance. The term "social insurance" to describe this institution implies both that it is compulsory and that men stand together with their fellows. The term implies a pooling of risks except in so far as separation of risks serves a social purpose. There may be reasons of social policy for adjusting premiums to risks, in order to give a stimulus for avoidance of danger, as in the case of industrial accident and disease. There is no longer an admitted claim of the individual citizen to share in national insurance and yet stand outside it, keeping the advantage of his individual lower risk whether of unemployment or of disease or accident."

**Price of social security.**

"Is it worth the price to each of the three parties concerned in paying—Insured person, Employer and the State? For the Insured person, the answer is clear. The popularity of compulsory social insurance today is established and for good rea-

son; by compulsory insurance so long as it is confined to meeting essential needs the individual can feel assured that those needs will be met with the minimum of administrative cost; by paying, not, indeed, the whole cost, but a substantial part of it as a contribution, he can feel that he gets his security not as a charity but as a right."

"For the Employer, the answer should also be clear. What he pays as insurance contribution is part of the cost of his labour—from his point of view an addition to wages. At whatever reasonable point the employer's insurance contribution is fixed, it is a small part of his total bill for labour and of his costs of production; it is the sign of an interest which he should feel and does feel in the men whose work comes under his control."

"For the State the initial burden of the social security budget is at most little more every year above that involved in the existing schemes."

"The social security budget presents figures large in relation to budgets of former time. They are not large in relation to the total national income and the plan for social security is only a means of redistributing national income so as to meet openly needs which must be met in one way or another."

**Assumptions, methods and principles.**

"The term "social security" is used here to denote the securing of an income to take the place of earnings when they are interrupted by unemployment, sickness or accident, to provide for retirement through age, to provide against loss of support by the death of another person and to meet exceptional expenditures such as those connected with birth, death or marriage. Primarily "social security" means security of income up to a minimum but the provision of an income should be associated with a design to bring the interruption of earnings to an end as soon as possible."

"No satisfactory scheme of social security can be devised except on the following assumptions:

- (a) Children's allowances for children up to the age of 15 or if in full time education up to the age of 16.
- (b) Comprehensive health and rehabilitation services for prevention and cure of disease and restoration of capacity for work available to all members of the community.
- (c) Maintenance of employment, that is to say avoidance of mass unemployment.

"On these three assumptions a plan of social security is outlined combining three distinct methods: Social Insurance for basic needs; national assistance for special cases; voluntary insurance for additions to the basic provision. Social insurance means providing of cash payments conditional upon compulsory

contributions previously made by, or on behalf of, the insured person irrespective of the resources of the individual at the time of the claim. Social insurance is much the most important of the three methods and is proposed here in a form as comprehensive as possible. But while social insurance can and should be the main instrument for guaranteeing income security, it cannot be the only one. It needs to be supplemented both by national assistance and by voluntary insurance. National assistance means the giving of cash payments conditional upon proof of need at the time of the claim, irrespective of previous contributions but adjusted by consideration of individual circumstances and paid from the National Exchequer. Assistance is an indispensable supplement to social insurance, however the scope of the latter may be widened. In addition to both of these there is place for voluntary insurance. Social insurance and national assistance organised by the State are designed to guarantee on condition of service a basic income for subsistence. The actual incomes and by consequence the normal standards of expenditure of different sections of the population differ greatly. Making provision for these higher standards is primarily the function of the individual, that is to say, it is a matter for free choice and voluntary insurance. But the State should make sure that these measures leave room and encouragement for such voluntary insurance. The social insurance scheme is the greater part of the plan for social security. But the plan includes national assistance and voluntary insurance as well."

"The Social Insurance Scheme set out below as the chief method of social security embodies 6 fundamental principles."

#### **Flat rate of subsistence benefit.**

"The first fundamental principle of the social insurance scheme is provision of a flat rate of insurance benefit, irrespective of the amount of the earnings which have been interrupted by unemployment or disability or ended by retirement; exception is made only where prolonged disability has resulted from an industrial accident or disease.

#### **Flat rate of contribution.**

The second fundamental principle of the scheme is that the compulsory contribution required of each insured person or his employer is at a flat rate, irrespective of his means. All insured persons rich or poor will pay the same contributions for the same security; those with larger means will pay more only to the extent that as taxpayers they pay more to the National Exchequer and so to the State share of the Social Insurance Fund.

**Unification of administrative responsibility.**

The third fundamental principle is unification of administrative responsibility in the interests of efficiency and economy. For each insured person there will be a single weekly contribution in respect of his benefits. All contributions will be paid into a single social insurance fund and all benefits and other insurance payments will be made from that fund.

**Adequacy of benefit.**

The fourth fundamental principle is adequacy of benefit in amount and in time. The flat rate of benefit proposed is intended in itself to be sufficient without further resources to provide the minimum income needed for subsistence in all normal cases. The benefits are adequate also in time, that is to say except for contingencies of a temporary nature, they will continue indefinitely without means test so long as the need continues, though subject to another change of conditions and treatment required by prolongation of the interruption in earnings and occupation.

**Comprehensiveness.**

The fifth fundamental principle is that social insurance should be comprehensive in respect of the persons covered and of their needs. It should not leave either to National Assistance or to Voluntary Insurance any risk so general or so uniform that Social Insurance can be justified.

**Classification.**

The sixth fundamental principle is that Social Insurance, while unified and comprehensive must take account of the different ways of life and different sections of the community. The term "classification" is used here to denote adjustment of insurance to the different circumstances of each of these classes and to many varieties of need and circumstance within each insurance class."

"In relation to Social Security, the population falls into four main classes of working age and two other below and above working age respectively as follows:

- I. Employees, that is, persons whose normal occupation is employment under contract of service.
- II. Others gainfully occupied, including employers, traders and independent workers of all kinds.
- III. Housewives, that is married women of working age.
- IV. Others of working age not gainfully occupied.
- V. Below working age.
- VI. Retired above working age.

The sixth of these classes will receive retirement pensions and the fifth will be covered by children's allowances, which will be paid from the National Exchequer in respect of all children

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## INTRODUCTION

when the responsible parent is in receipt of insurance benefit or pension, and in respect of all children except one in other cases. The four other classes will be insured for security appropriate to their circumstances. All classes will be covered for comprehensive medical treatment and rehabilitation and for funeral expenses."

"Every person in Class I, II, or IV will pay a single security contribution by a stamp on a single insurance document each week or combination of weeks. In Class I the employer also will contribute, affixing the insurance stamp and deducting the employee's share from wages or salary. The contribution will differ from one class to another, according to the benefits provided and will be higher for men than for women, so as to secure benefits for Class III."

"Subject to simple contribution conditions, every person in Class I will receive benefit for unemployment and disability, pension on retirement, medical treatment and funeral expenses. Persons in Class II will receive all these except unemployment benefit and disability benefit during the first 13 weeks of disability. Persons in Class IV will receive all these except unemployment benefit and disability benefit. As a substitute for unemployment benefit, training benefit will be available to persons in all classes other than Class I, to assist them to find new livelihoods if their present ones fail. Maternity grant, provision for widowhood and separation, and qualification for retirement pensions will be secured to all persons in Class III by virtue of their husbands' contributions; in addition to maternity grant, housewives who take paid work will receive maternity benefit for thirteen weeks to enable them to give up working before and after childbirth."

"Unemployment benefit, disability benefit, basic retirement pension after a transition period, and training benefit will be at the same rate, irrespective of previous earnings. This rate will provide by itself the income necessary for subsistence in all normal cases. There will be a joint rate for a man and wife who is not gainfully occupied. Where there is no wife or she is gainfully occupied, there will be a lower single rate; where there is no wife but a dependant above the age for children's allowance, there will be a dependant allowance. Maternity benefit for housewives who work also for gain will be at a higher rate than the single rate in unemployment or disability, while their unemployment and disability benefit will be at a lower rate; there are special rates also for widowhood as described below. With these exceptions all rates of benefit will be the same for men and for women. Disability due to industrial accident or disease will be treated like all other disability for the first thirteen weeks; if disability continues thereafter, disability benefit at a flat rate

will be replaced by an industrial pension related to the earnings of the individual subject to a minimum and a maximum."

"Unemployment benefit will continue at the same rate without means test so long as unemployment lasts, but will normally be subject to a condition of attendance at a work or training centre after a certain period. Disability benefit will continue at the same rate without means test, so long as disability lasts or till it is replaced by industrial pension, subject to acceptance of suitable medical treatment or vocational training."

"Pensions (other than industrial) will be paid only on retirement from work. They may be claimed at any time after the minimum age of retirement, that is 65 for men and 60 for women. The rate of pension will be increased above the basic rate if retirement is postponed. Contributory pensions as of right will be raised to the full basic rate gradually during a transition period of twenty years, in which adequate pensions according to needs will be paid to all persons requiring them. The position of existing pensioners will be safeguarded."

"While permanent pensions will no longer be granted to widows of working age without dependent children, there will be for all widows a temporary benefit at a higher rate than unemployment or disability benefit, followed by training benefit where necessary. For widows with the care of dependent children there will be guardian benefit, in addition to the children's allowances, adequate for subsistence without other means. The position of existing widows on pension will be safeguarded."

"For the limited number of cases of need not covered by social insurance, national assistance subject to a uniform means test will be available."

"Medical treatment covering all requirements will be provided for all citizens by a national health service organised under the health departments and post-medical rehabilitation treatment will be provided for all persons capable of profiting by it."

"A Ministry of Social Security will be established, responsible for social insurance, and national encouragement and supervision of voluntary insurance and will take over, so far as necessary for these purposes, the present work of other Government Departments and of Local Authorities in these fields."

**The nature of social insurance.**

Under the scheme of social insurance, which forms the main feature of this plan, every citizen of working age will contribute in his appropriate class according to the security that he needs; or as a married woman will have contributions made by the husband. Each will be covered for all his needs by a single weekly contribution on one insurance document. All the principal



cash payments—for unemployment, disability and retirement will continue so long as the need lasts, without means test, and will be paid from a Social Insurance Fund built up by contributions from the insured persons, from their employers, if any, and from the State. This is in accord with two views as to the lines on which the problem of income maintenance should be approached."

#### Finance.

"The Finance of the Plan for Social Security is based on a continuance of the tripartite scheme of contributions established in 1911 . . . The plan includes the setting up of a Social Insurance Fund from which all the benefits secured in virtue of contribution will be paid and into which money will flow in two main streams: one springing from the sale of insurance stamps, and representing the joint contributions of insured persons and their employers in Class I or of insured persons alone in Classes II and IV; the other coming as a contribution from the National Exchequer out of monies raised by general taxation. The industrial levy in hazardous industries will provide a third lesser stream. Most, if not all, citizens of working age will pay in two ways; an insurance contribution which for equal rates of benefit will be the same for all regardless of means, and a share of national taxation, direct or indirect, adjusted to their means. Those who are employers will pay in a third capacity as well. The Social Insurance Fund will be one, but will have separate accounts for different purposes."

"The Plan for Social Security is put forward as something that could be in operation in the immediate aftermath of the war. In the Memorandum by the Government Actuary on the financial aspects of the plan . . . it is assumed . . . that the plan will begin to operate on 1st July 1944 so that the first full year of benefit will be the calendar year 1945. But in view of the legislative and administrative work involved in bringing the plan into force, so early a date as this will be possible only if a decision of principle on the plan is taken in the near future by the Government and by Parliament."

Since the publication of the report, both the Government in the United Kingdom and Parliament have taken tentative decisions and the plan in a modified form will shortly be in force.

From the quotations given above from the Beveridge Report we get a comprehensive glimpse of the international trend of thought in the matter of social legislation. The quotations given are only indicative of the fundamental principles and the basic ideas contained in the plan. The plan itself has been worked out in detail and proposed as a practicable plan to be put in operation in the immediate aftermath of the war. It is, there-

fore, not in any sense only an ideological plea for progress in the matter of social security but a practicable plan worked out in detail. This by itself suggests that with a will to face the issues involved, social security is by no means unattainable. Briefly summarised we may say that the industrially advanced countries of the world have—short of a fundamental change in social order—come to the following conclusions in the matter of social security for their citizens, after an experience extending over 200 years—from the start of the industrial revolution:—

- (1) Social security must cover each and every citizen of the nation and must not be confined only to the industrially employed population.
- (2) Social insurance fully developed must provide income security and is an attack upon Want. But Want is only one of five giants on the road of reconstruction. The others are Disease, Ignorance, Squalor and Idleness. All these must be attacked simultaneously.
- (3) Maintenance of full employment is a necessary prerequisite to the success of any scheme of social insurance.
- (4) Insurance against interruption of earnings through any cause must be compulsory and the employee, the employer and the state must contribute to the Social Insurance Fund. There is an end of all laissez-faire and of voluntary insurance.
- (5) The citizen must be cared for from the cradle to the grave. Piecemeal benefits or compensation to provide against sickness, unemployment, old age or disability, are no longer regarded equitable.
- (6) The whole concept underlying the Workmen's Compensation Acts namely, temporary provision for interruption in earnings and liability of the employer to make the provision are now abandoned. It is recognised that compensation is necessary as much for a football player who injures himself in a game as it is for the worker who suffers an injury while at work. Industrial disease and hazardous occupation are not to be regarded as matters to be provided for in a subsidiary manner in workmen's compensation but as justifying the grant of special benefits over and above compensation guaranteed to every citizen for injury or disability sustained through any cause.
- (7) From concessions such as leave with pay or payment of average earnings, or bonus, at the time of maternity, international opinion has advanced to the stage of recognising the right of women to be safeguarded by the

community at all stages of life when want may haunt them.

- (8) The simultaneous attack against disease and squalor has led to the recognition of the right of every citizen in the nation to receive at least all necessary medical attendance at the expense of the community while he himself contributes to the expense.
- (9) It is recognised that each individual must contribute at a flat rate and that these insurance schemes provide for a flat rate of benefit irrespective of the amount of earnings which have been interrupted. But more important than that, it has also come to be recognised that all subsistence benefit at all stages of life must be adequate both in amount and in time i.e. it must be sufficient without further resources to provide the minimum income needed for subsistence and must continue so long as the need lasts.

It would seem at first sight as if the main features outlined above are only peculiar to the Beveridge Plan. But it is not so. Close study of social legislation in other countries will also indicate that these basic principles run through all of them although the schemes may have been modified to suit to conditions of the country concerned and the schemes may not be as comprehensive. Such an outline of basic principles when viewed in contrast with the summary of the existing labour code in India given before is almost like a breath of fresh air. It underlines heavily the need for making a start to make up the leeway.

It may be admitted that this is an outline of the most advanced international opinion and is therefore largely confined also to the richer nations of the world. It represents therefore, for a country like India in the present stage, only ultimate objectives. For indications of attainable minimum we must therefore look to decisions of a body like the International Labour Office which in a sense averages out international opinion in this sphere. The following quotations from the declarations and recommendations of the International Labour Office at its last conference held in Philadelphia would, therefore, be illuminating:

#### **The Philadelphia Charter.**

\*"The General Conference of the International Labour Organisation, meeting in its Twenty-sixth Session in Philadelphia hereby adopts, this tenth day of May in the year nineteen hundred and forty-four, the present Declaration of the aims and

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\* Extracts from the Bulletin of the International Labour Office containing report of the 26th Session.

purposes of the International Labour Organisation and of the principles which should inspire the policy of its Members.

## I

The Conference reaffirms the fundamental principles on which the Organisation is based and, in particular, that:

- (a) labour is not a commodity;
- (b) freedom of expression and of association are essential to sustained progress;
- (c) poverty anywhere constitutes a danger to prosperity everywhere;
- (d) the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

## II

Believing that experience has fully demonstrated the truth of the statement in the Constitution of the international Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that:

- (a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;
- (b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;
- (c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;
- (d) it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;
- (e) in discharging the tasks entrusted to it the International Labour Organisation, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

## III

The Conference recognises the solemn obligation of the International Labour Organisation to further among the nations of the world programmes which will achieve :

- (a) full employment and the raising of standards of living;
- (b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;
- (c) the provision, as a means to the attainment of this attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;
- (d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;
- (e) the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency and the collaboration of workers and employers in the preparation and application of social and economic measures;
- (f) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;
- (g) adequate protection for life and health of workers in all occupations;
- (h) provision for child welfare and maternity protection;
- (i) the provision of adequate nutrition, housing and facilities for recreation and culture;
- (j) the assurance of equality of educational and vocational opportunity.

## IV

Confident that the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International La-

bour Organisation with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.

## V

The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilized world.

**Recommendations adopted. Guiding principles.**

**General.**—Income security schemes should relieve want and prevent destitution by resorting, up to a reasonable level, income which is lost by reason of inability to work (including old age) or to obtain remunerative work or by reason of the death of a breadwinner.

Income security should be organised as far as possible on the basis of compulsory social insurance, whereby insured persons fulfilling prescribed qualifying conditions are entitled, in consideration of the contributions they have paid to an insurance institution, to benefits payable at rates, and in contingencies, defined by law.

Provision for needs not covered by compulsory social insurance should be made by social assistance; certain categories of persons, particularly dependent children and needy invalids, aged persons and widows, should be entitled to allowances at reasonable rates according to a prescribed scale.

Social assistance appropriate to the needs of the case should be provided for other persons in want.

**Social Insurance.**—The range of contingencies to be covered by compulsory social insurance should embrace all contingencies in which an insured person is prevented from earning his living, whether by inability to work or inability to obtain remunerative work, or in which he dies leaving a dependent family, and should include certain associated emergencies generally experienced, which involve extraordinary strain on limited incomes, in so far as they are not otherwise covered.

Compensation should be provided in cases of incapacity for work and of death resulting from employment.

In order that the benefits provided by social insurance may be closely adapted to the variety of needs, the contingencies covered should be classified as follows:

- (a) sickness;
- (b) maternity;
- (c) invalidity;
- (d) old age;
- (e) death of breadwinner;
- (f) unemployment;
- (g) emergency expenses; and
- (h) employment injuries.

Provided that benefits should not be payable at the same time for more than one of the following contingencies: invalidity, old age and unemployment.

Supplements for each of the first two children should be added to all benefits payable for loss of earnings, provision for further children being left to be made by means of children's allowances payable out of public funds or under contributory schemes.

The contingency for which sickness benefit should be paid is loss of earnings due to abstention from work necessitated on medical grounds by an acute condition, due to disease or injury, requiring medical treatment or supervision.

The contingency for which maternity benefit should be paid is loss of earnings due to abstention from work during prescribed periods before and after childbirth.

The contingency for which invalidity benefits should be paid is the attainment of a prescribed age, which should be that at which persons commonly become incapable of efficient work, the incidence of sickness and invalidity becomes heavy, and unemployment, if present, is likely to be permanent.

The contingency for which survivors' benefits should be paid is the loss of support presumably suffered by the dependants as the result of the death of the head of the family.

The contingency for which unemployment benefit should be paid is loss of earnings due to the unemployment of an insured person who is ordinarily employed, capable of regular employment in some occupation, and seeking suitable employment, or due to part-time unemployment.

Benefits should be provided in respect of extraordinary expenses, not otherwise covered, incurred in cases of sickness, maternity, invalidity and death.

The contingency for which compensation for an employment injury should be paid is traumatic injury or disease resulting from employment and not brought about deliberately or by the serious and wilful misconduct of the victim, which results in temporary or permanent incapacity or death.

Social insurance should afford protection, in the contingencies, to which they are exposed, to all employed and self-employed persons, together with their dependents, in respect of whom it is practicable;

- (a) to collect contributions without incurring disproportionate administrative expenditure; and
- (b) to pay benefits with the necessary co-operation of medical and employment services and with due precautions against abuse.

The employer should be made responsible for collecting contributions in respect of all persons employed by him, and should be entitled to deduct the sums due by them from their remuneration at the time when it is paid.

In order to facilitate the efficient administration of benefits, arrangements should be made for the keeping of records of contributions, for ready means of verifying the presence of the contingencies which give rise to benefits, and for a parallel organisation of medical and employment services with preventive and remedial functions.

Persons employed for remuneration should be insured against the whole range of contingencies covered by social insurance as soon as the collection of contributions in respect of them can be organised and the necessary arrangements can be made for the administration of benefit.

Self-employed persons should be insured against the contingencies of invalidity, old age and death, under the same conditions as employed persons as soon as the collection of their contributions can be organised. Consideration should be given to the possibility of insuring them also against sickness and maternity necessitating hospitalisation, sickness which has lasted for several months, and extraordinary expenses incurred in cases of sickness, maternity, invalidity and death.

Benefits should replace lost earnings, with due regard to family responsibilities, up to as high a level as is practicable without impairing the will to resume work where resumption is a possibility, and without levying charges on the productive groups so heavy that output and employment are checked.

Benefits should be related to the previous earnings of the insured person on the basis on which he has contributed: Provided that any excess of earnings over those prevalent among skilled workers may be ignored for the purpose of determining the rate of benefits, or portions thereof, financed from sources other than the contributions of the insured person.



Benefits of flat rates may be appropriate for countries where adequate and economical facilities exist for the population to procure additional protection by voluntary insurance. Such benefits should be commensurate with the earnings of unskilled workers.

The right to benefits other than compensation for employment injuries should be subject to contribution conditions designed to prove that the normal status of the claimant is that of an employed or self-employed person and to maintain reasonable regularity in the payment of contributions: Provided that a person should not be disqualified for benefits by reason of the failure of his employer duly to collect the contributions payable in respect of him.

The cost of benefits, including the cost of administration, should be distributed among insured persons, employers and tax-payers in such a way as to be equitable to insured persons and to avoid hardship to insured persons of small means or any disturbance of production.

The administration of social insurance should be unified or co-ordinated within a general system of social security services, and contributors should, through their organisations, be represented on the bodies which determine or advise upon administrative policy and propose legislation or frame regulations.

**Social assistance.**—Society should normally co-operate with parents through general measures of assistance designed to secure the well-being of dependent children.

Invalids, aged persons and widows who are not receiving social insurance benefits because they or their husbands, as the case may be, were not compulsorily insured, and whose incomes do not exceed a prescribed level, should be entitled to special maintenance allowances at prescribed rates.

Appropriate allowances in cash or partly in cash and partly in kind should be provided for all persons who are in want and do not require internment for corrective care.

### Conclusions.

This brief resume of the salient features of our existing labour code, of the changes in legislative policy since the start of the war, the outline of the most advanced and of the lowest minimum of international opinion on questions of social legislation, inevitably raises many fundamental questions for us. What is the answer to the problem of social legislation in India? Perhaps the answer is—a fundamental change in social order! But in the absence of readiness to adopt radical measures and bearing fully in mind conditions obtaining in our country we must begin to consider other practicable measures. It cannot be

doubted that before any real advance can be made in this sphere, a government representative of the people at large is an essential pre-requisite. Only the State can exercise that control, or bring in that element of compulsion which is necessary to the success of any social insurance scheme, however limited. Equally the State can effectively discharge its duties to the people only if it represents them and is conscious of their rights. There is no doubt that this is a problem with varied aspects. Quite apart from the initiation of new legislation, it would seem as if our first task is to enforce fully and with strict vigilance at least the provisions of such protective legislation as already exists. It is common knowledge that the provisions of the Factories Act, the Workmen's Compensation Act, the Maternity Benefit Act or the Payment of Wages Act—to cite only a few instances—have so far not been enforced fully even in spirit. The whole field of protective provisions governing the employment of children and women requires to be strictly enforced. In some cases the penalties provided for contraventions are so meagre as to render the provision almost innocuous. It is not enough to fine an employer Rs. 50 for having employed a child in contravention of the Employment of Children's Act. It is grotesque to think of a penalty as light as Rs. 500 for having ignored the rights of a pregnant woman under the Maternity Mines Benefit Act. The whole system of factory inspection is designed to provide for safety of workers and for enforcing reasonable working conditions. If in practice it comes to be lightly regarded and if the provisions of the Factories Act are contravened without fear of heavy penalty, it defeats the purpose of the Act. In the absence of a literate industrial population conscious of its legal rights the duty of the State to protect those rights is all the greater. It would be futile to prohibit compounding of compensation if in fact it is resorted to without much fear. The recognition by statute of the rights of workers to form their own organisations and even to go on strike for furtherance of legitimate activities in connection with a trade dispute may not be enough unless the State intervenes and speedily to enforce the law to promote conciliation or arbitration and discourages the formation of company unions and presents the full sway of the relatively stronger bargaining power of an employer.

The necessity of having a uniform labour code throughout the country is also evident. The recognition of this necessity suggests how vitally this whole problem is linked up with many connected problems such as location of industry, migration of labour, the equating of supply and demand of labour in certain provinces or districts etc. It is well-known that barring a few exceptions there is no labour code along the lines of British India

## INTRODUCTION

in many Indian States. As between British provinces even provincial legislation has not been along similar lines or of such uniform character as to ensure certain minimum conditions with regard to working hours or maternity benefits.

Besides enforcing strictly existing legislation and bringing about a uniformity of the labour code throughout the country, it is also obvious that we must simultaneously begin collecting statistical data to enable us to consider further steps if any in the direction of social legislation. Fortunately, of the meagre statistical information available in India, data on labour questions is more comprehensive than on other problems. Even so, the information available is not sufficient to justify any far-reaching conclusions on questions of labour legislation. For example, enough data is not available to enable us to consider any over all system of social security comprehending within its scope compensation, unemployment benefit, sickness insurance and state assistance in case of need. As it happens no system of voluntary insurance against unemployment or sickness has yet come to stay. In fact as far as industrial labour is concerned, it has not yet started. No information, therefore, is available from such institutions as voluntary insurance societies or co-operative societies also. It is necessary to stress this aspect of the problem, because it will be easily understood that any general plea for promoting social security unsupported by facts and figures to prove the practicability of such schemes is not likely to carry weight.

The suggestions considered above are really in the nature of first steps towards building up that comprehensive scheme which should be our ultimate aim and do not in any sense preclude immediate investigation or consideration of any well defined or limited schemes such as sickness insurance or unemployment insurance. Basically the whole problem is linked up with our post-war policy of industrialization and our plans to maintain full employment. It is common knowledge that any consideration of this problem is vitally linked up with such fundamental problems as the adjustment of the ratio between industrial labour and agricultural labour, the location of industry, migration of labour, acceptance or otherwise of the principle of contributory insurance, the extent of state control of industry and a thorough consideration of the very nature of unemployment as such in a country predominantly agricultural like ours where industrial employment is resorted to in periods of unemployment in agriculture. In short, the problem cannot be considered in a vacuum. There is however no insuperable difficulty in our undertaking well defined schemes of social insurance in organised industries and slowly extending its scope to cover all industrial labour as such. An attempt in this

direction has already been made in the proposal for sickness insurance embodied in Professor Adarkar's scheme. There is no reason why the evils prevalent in the existing systems of recruitment of labour cannot be abolished by statute and simultaneously replaced by a system of labour exchanges. Contributory schemes for sickness insurance and limited schemes for unemployment insurance can also be enforced in organised industries such as jute, coal, textile, iron and steel and sugar industries. Attempts at organising such schemes in organised industries will have to contend with the view of employers in India. In general they have stressed the necessity of investigating into the conditions of work and employment of agricultural labour, thus suggesting that industrial labour will probably look after itself. They have also maintained that state control of industry or statutory interference must be as little as possible and fully justified by the circumstances. It has been suggested that the establishment of large scale industries should be our first concern before we begin to consider any major schemes of social security for industrial labour. Costs of social insurance schemes must also be correlated with the costs of production in an industrially backward country like India. The burden, if any, of social insurance on the employers must not be such as to affect the competitive efficiency of Indian industries in the post-war period. While there is much strength in this view, there is no doubt—as is evident from the absence of any voluntary efforts by employers of industrial labour at bettering the conditions of their workers—that state control and state sponsored schemes will have to increase in the coming period. The whole trend of international thought on this subject appears to point to this conclusion. Conditions of life work and employment now obtaining for industrial labour do not square with intentions to build a better social order and raise the general standard of living of the people on a planned basis. The time is past when public opinion will suffer with equanimity any questioning of the primary needs of man. It is to be hoped that India's social conscience will have awakened sufficiently—and in good time—and that public opinion will assert itself before the march of events both national and international begin to forebode a violent change.

New Delhi.

1st January, 1945.

H. M. TRIVEDI.

# ABBREVIATIONS

A. I. L. O.	...	...	...	...	Adaptation of Indian Laws Order
Dept.	...	...	...	...	Department
Gaz.	...	...	...	...	Gazette
G. of B.	...	...	...	...	Gazette of Bombay
G. of I.	...	...	...	...	Gazette of India
Not.	...	...	...	...	Notification
P.	...	...	...	...	Page
Pp.	...	...	...	...	Pages
Pt.	...	...	...	...	Part

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# LABOUR AND FACTORY LEGISLATION

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## The Cotton Industry (Statistics) Act, 1926

INDIA ACT NO. XX OF 1926

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*An Act to provide for the regular submission of returns of quantities of cotton goods manufactured and cotton yarn spun in British India.*

Whereas it is expedient, notwithstanding the repeal of the Cotton Duties Act, 1896, to provide for the regular submission of returns of the quantities of Cotton goods manufactured and cotton yarn spun in British India ; it is hereby enacted as follows :—

### Short Title and Extent

1. (1) This Act may be called the Cotton Industry (Statistics) Act, 1926.

(2) It extends to the whole of British India.

### Definitions

2. For the purposes of this Act, unless there is anything repugnant in the subject or context,

(a) "Cotton goods" or "goods" includes all tissues or other articles (except yarn and thread) woven, knitted or otherwise manufactured wholly or partly from Cotton yarn.

(b) "Cotton yarn" or "yarn" means yarn wholly or partly composed of cotton fibres.

(c) "Mill" means any building or place where cotton goods are woven knitted or otherwise manufactured, or cotton yarn is spun, by machinery moved otherwise than by manual labour, and includes every part of such building or place ;

- (d) "owner", in relation to any mill, includes the managing agent or other principal officer of the mill; and
- (e) "prescribed" means prescribed by rules made under this Act.

### **Delivery of Monthly Returns of Goods and Yarn Manufactured by Mill-owners**

3. (1) The owner of every mill shall each month prepare and deliver, or cause to be prepared and delivered, to the prescribed officer a return of all cotton goods manufactured and all cotton yarn spun in the mill during the preceding month by machinery moved otherwise than by manual labour, and shall subscribe a declaration of truth of the return at the foot thereof.

(2) Save as may be otherwise prescribed, every return shall state, in respect of each description of goods and of yarn, the quantity manufactured during the period to which the return relates, and shall contain such further information, and be in such form and be subject to such conditions as to verification and otherwise, as may be prescribed.

(3) Every such return shall be delivered to the prescribed officer or posted to his address within seven days after the end of the month to which it relates.

### **Power to Inspect Mills and Take Copies of Records**

4. (1) Any officer authorised by the Provincial Government by order in writing in this behalf shall have free access at all reasonable times during working hours to any Mill and may at any time, with or without notice to the owner, examine and take copies of or extracts from, the records of the Mill for the purpose of testing the accuracy of any return made under Section 3 or of informing himself as to any particulars regarding which information is required for the purposes of this Act or any Rules made thereunder :

Provided that no officer not especially empowered by the Provincial Government in this behalf shall be entitled

to inspect any record containing the description or formulæ of any trade process.

(2) All copies and extracts and all information acquired by any officer in the inspection of any Mill under this section shall be treated as strictly confidential.

### Publication of Returns

5. The Provincial Government shall from the returns delivered under Section 3, cause to be compiled and published, in such form as it may direct, statement showing for each month the total quantities of goods manufactured and of yarn spun in mills in the Province.

### Power to Make Rules

6. (1) The Provincial Government may, by notification in the *Official Gazette*, make rules consistent with the Act to carry out the purposes thereof.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :—

- (a) the form of any return required under this Act, the particulars to contain therein, and the manner in which the return shall be verified ;
- (b) the nature of the record to be maintained by the owner of Mills ;
- (c) the powers and duties, in regard to the inspection of Mills under this Act, of the officers authorised to make such inspections ;
- (d) any other matter which may be or is to be prescribed.

### Penalties

7. Any person who :—

- (a) knowingly falsifies any record of manufacture or production kept in a Mill, or
- (b) being required to deliver a return under section 3, knowingly delivers a false return, or
- (c) omits to make any return required by section 3, or refuses to sign or complete the same, or



- (d) knowingly does any act, not otherwise punishable under this Act, in contravention of the provisions of any rule made under this Act, [shall be punishable with fine which may extend to five hundred rupees.]

(2) Any person who discloses any particulars or other information acquired by him in the inspection of any Mill under this Act shall be punishable with fine which may extend to one thousand rupees :

Provided that nothing in the sub-section shall apply to the disclosure—

- (a) of any such particulars or information for the purpose of prosecution under Section 193 of the Indian Penal Code or under this Act, in respect of any return kept or record made for the purposes of this Act, or
- (b) of any such particulars or information to any person acting in the execution of any duty imposed upon him by this Act, where the disclosure is necessary for the purposes of this Act.

### **Exemption**

8. The Provincial Government may, by notification in *Official Gazette*, exempt from the operation of this Act or any specified provision thereof any Mill or class of Mills, or any goods or class of goods, specified in the notification.

### **Protection for Acts Done Under this Act**

9. No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act.

## **THE COTTON INDUSTRY (STATISTICS) ACT, 1926. RULES.**

No. 1080C. (2) In exercise of the powers conferred by Section 6 of the Cotton Industry (Statistics) Act, 1926 (XX of 1926) the Governor-General in Council is pleased to make the following Rules :—

**Short Title**

1. These rules may be called the Cotton Industry (Statistics) Rules, 1926.

**Definitions**

2. In these rules "Act" means the Cotton Industry (Statistics) Act, 1926.

**Prescribed Officer <sup>1</sup>**

3. The Officer to whom the return required by sub-section (1) of Section 3 of the said Act is to be delivered, shall be the Collector of Customs, Bombay.

**Form of Returns**

4. (1) The return of Cotton goods required by Section 3 of the Act shall be in Form 'A' appended to these rules and shall contain the particulars indicated therein shown separately for each description of goods, the return of Cotton yarn required by the same section shall be in form 'B' appended to these rules.

(2) The declaration of truth of the same return shall be subscribed in the terms set forth at the foot of the said forms.

**Check of Returns**

5. When a return duly completed has been delivered to the Officer prescribed in the rule 3 he shall check the same or cause the same to be checked in any manner that may appear to him desirable and may for this purpose examine and compare and cause to be examined and compared the records of the Mill to which the return relates.

**Register of Cotton Goods Manufactured**

6. The owner of every mill in which Cotton goods are manufactured shall prepare and maintain in English a Register to be called "Register of cotton goods manufactured," in which shall be entered daily description, weight and yardage or quantity as the case may be of all cotton goods manufactured in the Mill.

**Register of the Cotton Yarn Spun**

7. The owner of every mill in which Cotton yarn is spun shall prepare and maintain in English a Register to be called "Register of Cotton yarn spun" in which shall be entered daily the description of counts and the weight of all yarn spun in the Mill.

**Register to be kept on premises of Mill**

8. The Register prescribed in rules 6 and 7 shall be kept on the premises of the Mill.

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<sup>1</sup> Vide G. of B. Gaz., Part IV C. P. 926 of 1-6-39.

**FORM A**

Particulars of all Cotton goods manufactured at.....  
 Mill during the period beginning ..... and ending  
 .....

Description of goods.	Weight in lbs.	Yards or dozens.
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**PART I.**

Grey and bleached piece-goods  
 (to be reported in lbs. and yards).

- (i) Chaddars,
- (ii) Dhoties,
- (iii) Drills and jeans,
- (iv) Cambrics and lawns,
- (v) Printers,
- (vi) Shirtings and long cloth.
- (vii) T. Cloths, domestics and sheeting,
- (viii) Tent cloth,
- (ix) Khadi, Dungri or Khaddar,
- (x) Other sorts.

**PART II.**

Coloured piece-goods (to be re-  
 ported in lbs. or yards).

- (1) Chaddars,
- (2) Lungies and Dhoties,
- (3) Drills and Jeans,
- (4) Grey Dyed,
- (5) Coloured striped saris and susis,
- (6) Cotton Tweeds and checks,
- (7) Other sorts.

**PART III.**

Grey and coloured goods other than  
 piece-goods (to be reported in lbs. and  
 dozens and grey, bleached and coloured  
 goods of each description to be distin-  
 guished).

**PART IV.  
HOSIERY.**

(To be reported in lbs and dozens)

**PART V.**

Miscellaneous Cotton goods (To be  
 reported in lbs. only).

**PART VI.**

Cotton goods mixed with silk or  
 wool (To be reported in lbs. only).

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**TOTAL**

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## LABOUR AND FACTORY LEGISLATION

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I do hereby declare that I have compared the above particulars with the records, and books of my Mill, and that they are, in so far as I can ascertain, accurate and complete.

Dated this ..... day of ..... 19 ..

(Signed)

(To be signed by the Millowner, Managing Agent or other principal officer of the Mill).

### FORM B.

Return made for the Mill showing the description and weight of all yarn spun during the month ending.....19 ..

Count of yarn	Weight in lbs. of each count.
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I do hereby declare that I have compared the above particulars with the record and books of my Mill and that they are, in so far as I can ascertain, accurate and complete.

Dated this ..... day of .....19 ..

(Signed).

(To be signed by the Millowner, Managing Agent or other Principal Officer of the Mill).

### NOTIFICATION <sup>1</sup>

No. 5987-G/24. In exercise of the powers conferred by Sub-section (1) of Section 4 of the Cotton Industries (Statistics) Act, 1926 (XX of 1926), the Governor-in-Council is pleased to authorize the Supervisor of Cotton Industries Statistics and Cotton Cess Department to have free access on all reasonable times during working hours to any mill and at any time, with or without notice to the owner, to examine and take copies of or extracts from the records of the mill for the purpose of testing the accuracy of any return made under Section 3 of the Act, or of informing himself as to any particulars regarding which information is required for the purposes of the said Act or the rules made thereunder.

<sup>1</sup> Vide G. of B. Gaz Part I P. 195 of 26/8/26.

**THE COAL MINES SAFETY (STOWING) ACT, 1939**  
**INDIA ACT NO. XIX OF 1939**

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*An Act to make further provision for safety in coal mines.*

Whereas it is expedient to make further provision for safety in Coal Mines by taking measures to facilitate or require therein,<sup>1</sup> the carrying out of the operation known as stowing and other operations and to provide for the creation of a fund for the assistance of such operations,<sup>2</sup> in the manner hereinafter provided ;

**Short Title, Extent and Commencement**

1. It is hereby enacted as follows :—

(1) This Act may be called the Coal Mines Safety (Stowing) Act, 1939.

(2) It extends to the whole of British India except Assam and the Punjab.

(3) It shall come into force<sup>3</sup> on such date as the Central Government may, by notification in the *Official Gazette*, appoint.

**Definitions**

2. In this Act, unless there is anything repugnant in the subject or context,

(a) “Agent”, “Mine”, “Owner” have the meanings respectively assigned to them in Section 3 of the Indian Mines Act, 1923 ;

(b) “Board” means the Coal Mines Stowing Board constituted under Section 3 ;

(c) “Chief Inspector” and “Inspector” mean the persons respectively appointed to be Chief Inspector of Mines and Inspector of Mines under sub-section (1) of Section 4 of the Indian Mines Act, 1923, and the provisions of that Act shall apply to the Chief Inspector and to all Inspectors while exercising their powers under this Act or the rules made thereunder ;

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<sup>1</sup> Added Vide G. of I. Amendment Act. 1910.

<sup>2</sup> Ibid.

<sup>3</sup> The Act came into force from 27-5-39 vide G. of I. Not No. M. 955 of 22/5/39.

- (d) "Fund" means the Coal Mines Stowing Fund ;
- (e) "Prescribed" means prescribed by rules made under this Act ;
- (f) "Soft Coke" means all coke which is unsuitable for metallurgical purposes, and "Hard coke" means all coke which is not soft coke ;
- (g) "Stowing" means the operation of filling with sand or other incombustible material space left underground in a mine by the extraction of coal.

### **Constitution of Board**

3. (1) The Central Government shall, as soon as may be after the commencement of this Act, constitute a Board to be called the Coal Mines Stowing Board to administer the fund and such Board shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued.

(2) The Board shall consist of the following members, namely :—

- (i) A person in the service of the Crown appointed by the Central Government, as Chairman ;
- (ii) The Chief Inspector, or an Inspector appointed by the Central Government in this behalf ;
- (iii) two persons nominated by the Indian Mining Association ;
- (iv) one person nominated by the Indian Mining Federation ;
- (v) one person nominated by the Indian Colliery Owners' Association.

Provided that if, within the prescribed period, anybody fails to make the nomination which it is entitled to make under this sub-section, the Central Government may itself nominate a person to fill the place on the Board.

(3) Where a nominated member dies, resigns, ceases to reside in British India or becomes incapable of acting, the Central Government shall, on the recommendation of the body which would have been entitled to make the nomination if it had been a first nomination under sub-section (2),

or where such recommendation is not made within the prescribed period, may, on its own initiative, nominate a person to fill the vacancy.

(4) No Act done by the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Board.

#### **Power to Board to Co-opt Members**

4. (1) The Board may, at any time and for such period as it thinks fit, co-opt as member of the Board any person possessing such technical qualifications as may be prescribed.

(2) A member co-opted under sub-section (1) shall exercise all the powers and functions of a member under this Act, except that he shall not be entitled to vote on any question coming before the Board.

#### **Imposition of Excise Duty**

5. With effect from such date as the Central Government may, by notification in the *Official Gazette*, appoint in this behalf, there shall be levied and collected on all Coal raised and despatched, and on all soft coke manufactured and despatched, from Collieries in British India a duty of excise as may, by notification in the *Official Gazette*, be fixed from time to time by the Central Government, subject to a maximum rate of three annas per ton ; similarly there shall be levied and collected on such descriptions of hard coke as may be prescribed a duty of excise as may, by notification in the *Official Gazette*, be fixed from time to time by the Central Government, subject to a maximum rate of one and a half times the rate of excise duty for the time being in force in respect of Coal and soft Coke.

#### **Imposition of Customs Duty**

6. During the period in which a duty of excise is being levied under section 5, the Central Government may, by notification in the *Official Gazette*, impose on all coal and soft coke and on such descriptions of hard coke as may be prescribed under Section 5, imported into British India

from any foreign country or brought into British India from the territory of any Indian State,<sup>1</sup> a duty of customs<sup>2</sup> [which shall be in addition to any duty of customs for the time being leviable under any other Act,] at rates equivalent to the rates of the duty of excise levied under Section 5 of this Act.

**Payment to the Board of Sum Equivalent to the net Proceeds of Excise Duty**

7. The Central Government shall, as soon as may be in such financial year, pay to the Board a sum equivalent to the nett proceeds [determined<sup>3</sup> in such manner as may be prescribed] of the duty of excise realised under Section 5 during the preceding year.

**Money Received by the Board to be Credited to the Fund**

8. (1) The sum referred to in Section 7 and any other moneys received by the Board shall be credited to a fund to be called the Coal Mines Stowing Fund, which shall be applied by the Board in such manner and subject to such conditions as may be prescribed, to—

- (i) meeting the expenses in connection with the administration and the furtherance of the objects of this Act ;
- (ii) the grant of stowing materials and other assistance for stowing operations to owners, agents or managers of Coal Mines ;
- (iii) the execution of stowing and other operations in furtherance of the objects of this Act ; and
- (iv)<sup>4</sup> the prosecution of research work connected with safety in mines.

(2) The Board shall keep accounts of the fund, and such accounts shall be examined and audited at the prescribed times by auditors appointed in this behalf by the Central Government.

<sup>1</sup> Words "Not being territory, which has been declared under sec. 5 of the Indian Tariff Act, 1914, to be foreign territory for the purposes of that section" deleted vide G. of I. Amendment Act, 1910.

<sup>2</sup> Altered *Ibid*.

<sup>3</sup> Altered *Ibid*.

<sup>4</sup> Added *Ibid* Altered vide. G. of I. Amendment Act, 1914.



**Power of Inspectors**

9. (1) The Chief Inspector or any Inspector may make such examination and inquiries as he thinks fit in order to ascertain whether the provisions of this Act and of any rules and orders made thereunder are being complied with.

(2) The Chief Inspector or any Inspector may, with such assistance if any, as he thinks fit, enter, inspect and examine at any time by day or night any Coal Mine in respect of which assistance is being or has been, given under this Act in order to ascertain the amount of sand or other incombustible material used in stowing in the Mine or to ensure that stowing<sup>1</sup> [or any other operation towards which assistance may be granted under this Act,] has been, or is being done effectively :

Provided that the power conferred by this sub-section shall not be exercised in such manner as unreasonably to impede or obstruct the working of the Mine.

(3) Without prejudice to the provisions of Section 19 of the Indian Mines Act 1923, the Chief Inspector or any Inspector may, by order in writing addressed to the owner, agent or manager of a coal mine, require him to take such protective measures, including stowing, in the Mine as the Chief Inspector or the Inspector may think necessary, if in the opinion of the Chief Inspector or Inspector—

- (a) the extraction or reduction of pillars in any part of the mine is likely to cause the crushing of pillars or the premature collapse of any part of the working or otherwise endanger human life or the mine, or
- (b) adequate provision against the outbreak of fire or flooding has not been made by providing for the scaling off and isolation of any part of the mine or for restricting the area that might be affected by fire or flooding, as the case may be.

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<sup>1</sup> Added vide G. of I. Amendment Act, 1940.

Application of Act IV of 1923

10. The provisions of sub-sections (3) to (6) (both inclusive) of Section 19 of the Indian Mines Act, 1923, shall apply to any order made under sub-section (3) of section 9, of this Act as they apply to an order made under sub-section (2) of Section 19 of that Act, and all the provisions of the Indian Mines Act, 1923, (except sub-section (1) of Section 11 thereof), affecting Committees appointed for the purposes of that Act or relating to the disposal of references made to such committees, shall apply, *mutatis mutandis* and so far as may be, to a committee appointed to inquire into a reference under this Act and to the disposal of such reference :

Provided that<sup>1</sup> the power conferred by the proviso to sub-section 6 of the said Section 19 to suspend the operation of a requisition under sub-section (1) of that Section shall include a power similarly to suspend the operation of an order made under sub-section (3) of Section 9 of this Act.

..10-A.<sup>2</sup> Powers of Board in executing operations :—

- (i) If in the opinion of the Board it is necessary or desirable that any protective measures, including stowing, required in furtherance of the object of this Act, should be undertaken directly by the Board, the Board may execute or cause to be executed such measures under its own supervision.
- (ii) For the purposes of this Section the Board shall have the right for itself and all persons employed in the execution of any work undertaken under this Section to enter upon any property in which the work is to be done and to do therein all things necessary for the execution of the work.
- (iii) No person shall obstruct or interfere with the execution of any work undertaken under this

<sup>1</sup> Added vide G. of 1. Amendment Act 1911.  
<sup>2</sup> Added vide *Ibid.*

Section, and no person shall remove or tamper with any plant or machinery or any stowing or any other material used in the execution of such work.

- (iv) Whoever contravenes the provision of sub-section (3) shall be punishable with imprisonment for a term which may extend upto 6 months or with a fine or with both.

### **Committees of Enquiry**

11. (1) A committee appointed to enquire into a reference arising out of an order passed under sub-section (3) of Section 9 shall consist of—

- (a) the Chairman of the Board as Chairman ;
- (b) four members selected by the Chairman of the Board as follows :—
  - (i) two, from a panel of eight persons nominated by the Indian Mining Association ;
  - (ii) one, from a panel of four persons nominated by the Indian Mining Federation ;
  - (iii) one, from a panel of four persons nominated by the Indian Colliery Owners' Association ; and
  - (iv) one member appointed by the Central Government to represent the interests of persons employed in Coal Mines.

(2) No person shall be nominated to the panels referred to in clause (b) of sub-section (1) unless he possesses such technical qualifications as may be prescribed.

(3) If any body fails, within the prescribed period, to make any nomination which it is entitled to make under sub-section (1) or to fill any vacancy in a panel the Central Government shall itself nominate a sufficient number of persons to complete the panel.

### **Power to Make Rules**

12. (1) The Central Government may after previous application, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions such rules may provide for any or all the following purposes, namely :—

- (a) The nomination and the term of office, of members of the Board appointed or nominated under Section 3 ;
- (b) The powers and functions of, and the conduct of business by, the Board ;
- (bb) <sup>1</sup> The determination of the net proceeds of the duty of excise for the purpose of Section 7 ;
- (c) Prescribing the technical qualifications to be possessed by co-opted members of the Board and by persons nominated to the panels referred to in Section 4 ;
- (d) Prescribing the descriptions of hard coke on which a duty of excise may be levied under Section 5 ;
- (e) Regulating the levy, collection and payment of the duty of excise ; and the imposition, collection and payment of the duty of Customs ;
- (f) Prescribing the manner in which and the conditions under which such sums at the credit of the fund may be applied ;
- (g) Prescribing the form in which the accounts of the fund shall be kept and the times at which such accounts shall be audited, and regulating the publication of the abstract of such accounts and the report of the auditors thereon, and prescribing the procedure in relation to any items of expenditure from the fund disallowed by the auditors ;
- (h) Any other matter which is to be or may be prescribed.

### Application to Crown

13. The Act applies to Coal Mines belonging to the Crown.

## THE COAL MINES SAFETY (STOWING) ACT, 1939. RULES

No. M 955 (2) dated New Delhi, the 17th October, 1939.

In exercise of the powers conferred by Section 12 of the Coal Mines Safety (Stowing) Act, 1939 (XIX of 1939), the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (1) of the said Section, namely :—

### CHAPTER I PRELIMINARY

#### Short Title and Extent

- (1) (i) These rules may be called the Coal Mines Safety (Stowing) Rules, 1939.
- (ii) They extend to the whole of British India except Assam and the Punjab.

#### Definitions

(2) In these rules, unless there is anything repugnant in the subject or context,

- (a) 'Act' means the Coal Mines Safety (Stowing) Act, 1939 (XIX of 1939);
- (b) 'Board' means the Coal Mines (Stowing) Board ;
- (c) 'Chairman' means the Chairman of the Board ;
- (d) 'Committee' means a committee of Inquiry appointed under section 11 of the Act ;
- (e) 'Fund' means the Coal Mines (stowing) Fund ;
- (f) 'Member' means a member of the Board ;
- (g) 'Section' means a section of the Act.

### CHAPTER II

#### THE BOARD AND ITS PROCEDURE

##### Co-opted Members

(3) The Board may, under Sub-Section (1) of Section 4, co-opt as members any persons possessing one or more of the following qualifications, namely :—

- (i) A first class colliery manager's certificate of competency or a degree or diploma in mining, or special knowledge in mining affairs.
- (ii) A University degree or equivalent qualification in Mechanical, Electrical or Civil Engineering or in fuel Technology.
- (iii) A University degree or diploma or equivalent qualification in Geology.
- (iv) Qualifications entitling a person to act as auditor of Companies—under Section 144 of the Indian Companies Act, 1913, (VII of 1913).

- (v) Qualifications entitling a person to practice at the Bar of the High Courts in British India.
- (vi) Experience of not less than 5 years in the management of a Zamindari.

**Nomination to fill Vacancies**

4. When a vacancy occurs in the case of a nominated member or at any time within two months of the date when such a vacancy will occur in the ordinary course of events, the Central Government shall, by notice in writing, call upon the body concerned to nominate a person to fill the vacancy and the nomination shall be made within thirty days of the date of issue of such notice.

**Term of Office**

5. (1) Save as otherwise provided in these rules, a nominated member shall hold office for three years from the date of his appointment and shall be eligible for renomination :

Provided that an outgoing nominated member may continue in office until the appointment of his successor is notified.

(2) A member nominated to fill a casual vacancy or a member appointed by the Central Government on the failure of any body entitled to make a nomination, shall hold office for as long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred or the nomination had been made as the case may be.

**Resignation**

6. A nominated member may resign his office by letter addressed to the Chairman.

**Absence from India**

7. (1) Before a nominated member leaves India :

(a) he shall intimate to the Chairman the date of his departure from and the date of his expected return to India ; or

(b) if he intends to be absent from India for a longer period than six months, he shall tender his resignation.

(2) If any nominated member leaves India without taking the action required by sub-rule (1), he shall be deemed to have resigned with effect from the date of his departure from India.

**Vacation of Office**

8. A nominated member shall be deemed to have vacated his seat on the Board—

(a) If he becomes bankrupt or insolvent or suspends payments or compounds with his creditors ; or

(b) if he is convicted of any non-bailable offence punishable under the Indian Penal Code (Act XLV of 1860) or

- (c) if he is absent from meetings of the Board during a period of three consecutive months without leave of absence from the Board.

#### **Time and Place of Meetings**

9. (1) The Chairman may at any time call a meeting of the Board and shall do so if a requisition for that purpose is presented to him by three or more members.

(2) The meetings of the Board shall, unless the Chairman in any case otherwise directs, be held in Calcutta.

#### **Notice of Meetings**

10. Not less than seven clear days before the date of any intended meeting of the Board, notices of the time and place of such meeting, signed by the Chairman, shall be delivered at or posted to the usual place of residence of every member present in India :

Provided that an emergent meeting may be called by the Chairman at any time, but in such case the Chairman shall inform the member of the subject matter for discussion and the reason for which he considers it urgent, and at such meeting no business which does not arise directly out of such subject matter shall be introduced or transacted.

#### **Presiding at Meetings**

11. The Chairman shall preside at every meeting of the Board at which he is present. If the Chairman is absent from any meeting the members present shall elect one of their members to preside over the meeting and the member so elected shall at that meeting exercise all the powers of the Chairman.

#### **Quorum**

12. No business shall be transacted at a meeting of the Board unless at least three members are present :

Provided that if at any meeting less than three members attend, the Chairman may adjourn the meeting to a date not less than seven days later and inform the members present and notify other members that he proposes to dispose of business at the adjourned meeting irrespective of there being a quorum, and shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the members attending.

#### **Disposal of Business**

13. (1) Every question upon which the Board is required to deliberate shall be considered either at its meetings or if the Chairman so directs, by sending the necessary papers to members for opinion :

Provided that the papers need not be sent to any member who is absent from India.

(2) When a question is referred for opinion, any member may request that the question be considered at a meeting of the Board, and thereupon, the Chairman may, and if the request is made by three or more members shall, direct that it be so considered.

**List of Business**

14. (1) The Chairman shall send to each member present in India, at least seven days before a meeting of the Board a list of business to be disposed of at that meeting.

(2) No business which is not on the list shall be considered at a meeting without the permission of the Chairman.

**Decision by Majority**

15. (1) Every question at a meeting of the Board shall be decided by a majority of votes of the members present and voting on that question.

(2) Every question referred to the members for opinion shall, unless the Chairman in pursuance of sub-rule (2) of rule 13 reserves it for consideration at a meeting, be decided in accordance with the opinion of the majority recording opinions.

(3) In the case of an equal division of votes or opinions, the Chairman shall exercise an additional vote or opinion.

**Record of Business**

16. A record shall be maintained of all business transacted by the Board, copies of which shall be submitted to the Central Government.

**Revision**

17. (1) The Central Government may for reasons to be recorded in writing revise any decision of the Board and pass such orders in the matter as it thinks fit.

(2) The Board shall give effect to all orders passed by the Central Government under sub-rule (1).

**Salary and Allowance of the Chairman**

18. (1) The Chairman shall be paid a salary and allowance from the Fund at such rates as may be fixed by the Central Government.

(2) The Chairman shall also be paid from the Fund travelling allowances for journeys performed by him in his official capacity, at the same rates and on the same conditions as are prescribed by rules in the case of Officers in the employ of the Central Government drawing the same salary as the Chairman.

(3) Contributions on account of the Chairman's pension, leave salary and passages<sup>1</sup> shall be paid from the fund at such rates as may be fixed by the Central Government.

<sup>1</sup> Vide G. of B. Gaz. Part IV c. P. 379 of 27/3/11.



**Powers and Duties of the Chairman**

19. (1) The Chairman shall be the principal Executive Officer of the Board and, as such, he shall—

- (a) present all important papers and matters to the Board as early as practicable ;
- (b) issue orders as to the method of carrying out the decisions of the Board ;
- (c) grant or, subject to a resolution by the Board, authorise some other person to grant receipts on behalf of the Board for all moneys received under the Act ;
- (d) maintain or cause to be maintained an account of the receipts and expenditure of the Board ; and
- (e) present an annual draft report on the working of the Board to the Board for approval and submit the report in the form approved by the Board to the Central Government.

(2) The Chairman may sanction without reference to the Board, expenditure on contingencies, supplies and services and purchase of articles required for the working of the Office of the Board, subject to budget provision and to the condition that the expenditure on any single object does not exceed Rs. 500.

**Secretary to the Board**

20. (1) The Secretary to the Board shall be a person not being a member, appointed by the Board, with the approval of the Central Government.

(2) The Secretary shall perform such duties as are imposed upon him by these rules and such other duties as may be assigned to him by the Board.

**Board's Establishment**

21. (1) The Board shall, from time to time, fix the scale of establishment and the salaries and allowances of all officers and servants to be employed by it, and may require security to be taken from them in such instances and to such amount as it thinks fit :

Provided that no post the maximum salary of which exceeds rupees five hundred per mensem shall be created without the previous sanction of the Central Government.

(2) Subject to the scale of establishment fixed under sub-rule (1) the Chairman shall have power to appoint, dismiss, suspend, reduce or grant leave to any person in the service of the Board :

Provided that—

- (a) No person shall be appointed to or dismissed from, an office the maximum salary of which exceeds rupees five hundred without the sanction of the Central Government;
- (b) No person shall be appointed to, or dismissed from, an office the maximum salary of which exceeds rupees two hundred but does not exceed rupees five hundred without the sanction of the Board at a meeting;
- (c) the grant of leave, pay and allowance to officers and servants of the Board, who are not government servants, shall be regulated by rules made by the Board, and
- (d) the grant of leave, pay and allowance to a Government Servant, whose services have been lent or transferred to the Board, shall be regulated according to the appropriate rules framed by the Central Government and applicable to such government servant.
- (3) In exercising the powers conferred by clause (c) of the proviso to sub-rule (2), the Board shall, so far as may be, apply the principles of the Rules framed by the Central Government for the corresponding classes of government servants.
- (4) Save with the previous sanction of the Central Government, no travelling allowance shall be paid to any officer or servant of the Board in excess of the amount which would be admissible under the supplementary rules framed by the Central Government to a government servant of the corresponding grade.

#### Remuneration of members

22. (1) Each non-official member including a non-official member co-opted under Sub-Section (1) of Section 4 shall be paid Rs. 32/- for each meeting of the Board attended by him, subject to a maximum of Rs. 64/- for any one calendar month, and the actual travelling expenses incurred by him in attending the meeting.
- (2) A government servant appointed as a member, or co-opted as a member under Sub-Section (1) of Section 4, shall be paid for attending a meeting of the Board such travelling allowance from the Fund as would be admissible to him under the appropriate rules if the journey had been performed on Government duty.
- (3)<sup>1</sup> A member, including a member co-opted under sub-section (1) of section 4, performing a journey on the business of the Board with the previous approval of the Chairman shall be paid from the Fund—

<sup>1</sup> Added vide G. of B. Gaz. Part IV C. P. 1594-5 of 10/10/40

- (a) if a non-official, the actual travelling expenses incurred by him in performing the journey ;
- (b) if a government servant, such travelling allowance, as would be admissible to him under the appropriate rules if the journey had been performed on Government duty.

CHAPTER III<sup>1</sup>

## COMMITTEES OF INQUIRY

**Qualifications of Persons Nominated to Panels**

23. No person shall be nominated to the panels referred to in clause (b) of sub-section (1) of section 11, unless he holds a first class Colliery Manager's Certificate of competency.

**Nominations to Panels**

24. (1) The first nomination to the panels referred to in Clause (b) of Sub-Section (1) of Section 11 shall be made in writing and sent to the Chairman, so as to reach him before the 15th day of July 1940.

(2) when a vacancy occurs in a panel, the Chairman shall, by notice in writing, call upon the body concerned to nominate a person to fill the vacancy, and the nomination shall be made in writing and sent to the Chairman so as to reach him within thirty days of the date of issue of such notice.

CHAPTER IV<sup>2</sup>

## LEVY AND COLLIERY EXCISE DUTY

**Description of Hard Coke Liable to Excise Duty**

25. All descriptions of hard coke manufactured in and despatched from collieries or coke plants shall be subject to the duty of excise leviable on hard coke under section 5.

26.<sup>3</sup> (1) The duty of excise imposed under section 5 on coal, soft coke and hard coke shall, when such coal, soft coke or hard coke is despatched by rail from collieries or coke plants, be collected by the Railway Administrations concerned by means of a surcharge on freight, and such duty on excise shall be recovered—

- (a) from the consignor, if the freight charges are being prepaid at the forwarding station ;
- (b) from the consignee, if the freight charges are collected at the destination of consignment.
- (c) from the party paying the freight, if the consignment is booked on the "weight only" system.

<sup>1</sup> Added and renumbered vide G. of B. Gaz. Part IV C. P. 847-8 of 4-7-40 and vide G. of B. Gaz. Part IV C. P. 1031-1034 of 10/10/40.

<sup>2</sup> Ibid.

<sup>3</sup> As corrected vide G. of B. Gaz. Part IV C. P. 878 of 11/7/40.

(2) In calculating the amount of duty of excise payable on any one consignment any fractions of an anna shall be rounded off to the nearest anna.

**Declaration by Consignor**

27. All consignments of coke from collieries or coke plants tendered for despatch by rail, shall be accompanied by a declaration advice note in which the consignor or his agent shall describe the consignment as either "soft coke" or "hard coke" according to the nature of the consignment.

28<sup>1</sup>. For the purpose of the Levy of the Excise Duty, the actual weight of a consignment, rounded off to the nearest ton shall be taken into account.

**Remittance of Excise Duty**

29. The total amount of excise duty collected by each Railway Administration less,

- (a) Refunds and write-offs, authorized by the Railway Administration under rule 30<sup>2</sup>;
- (b) a deduction of such percentage as the Central Government may by notification in the Official Gazette, fix towards the cost of collection, shall under advice to the Accountant General, Bengal, be remitted quarterly to the Reserve Bank of India at Calcutta for the credit of the Central Government in a special account.

**Refunds and Recoveries**

30. (1) Where the amount of the excise duty due under these rules has not been collected either wholly or in part or where the amount collected is in excess of the amount due, the Railway Administration shall deal with the undercharge or overcharge as the case may be, on the same principles as apply to undercharge and overcharge in regard to Railway freight charges.

(2) When it is proved to the satisfaction of the Board, or any person authorised in this behalf by the Board, that any coal, on which the duty of excise under section 5 had previously been collected has been used in the manufacture of any coke on which also the duty has been collected, the Board or the person authorised in this behalf by the Board may order refund of the amount equal to the duty collected on such coal to the person from whom such duty was collected.

**Determination of the Nett Proceeds of the Duty of Excise**

30-A<sup>3</sup>. (1) For the purpose of Section 7, the nett proceeds of the duty of excise realised under Section 5, in a financial year

<sup>1</sup> As corrected vide G. of B. Gaz. Part IV C. P. 436-37 of 5/3/12.

<sup>2</sup> Vide G. of B. Gaz. Part IV C. 1631-34, of 10/10/10.

<sup>3</sup> Added vide G. of B. Gaz. Part IV-C. P. 1820 of 12/12/10.

shall be determined separately in respect of each Railway Administration collecting such duty and certified as soon as possible after the close of the financial year by such officer or officers as the Central Government may appoint in this behalf.

(2) In determining the nett proceeds under sub-rule (1) the officer shall take into account the total amount of the duty collected, the refunds granted, and the write-offs sanctioned by the Railway Administration during the year and the deduction towards the cost of collection fixed by the Central Government, in accordance with these rules.

(3) The certificate under sub-rule (1) shall be sent to the Central Government and copies thereof to the Accountant General, Bengal, by the officers concerned.

#### CHAPTER V<sup>1</sup>

#### APPLICATION OF FUND

##### Purposes for which Assistance may be Granted

31. The Board may grant assistance from the Fund to any owner, agent or manager of a Coal Mine—

- (a) for stowing and other protective measures which are required to be undertaken by an order issued under Sub-Section (3) of Section 9 ;
- (b) for any measures which in the opinion of the Board are essential for the effective prevention of the spread of fire to, or the inundation by water of, any coal mine from an area adjacent to it ;
- (c) for stowing operations voluntarily undertaken by the owner, agent or manager of the mine in the interest of safety.

##### Applications of Assistance

32. (1) The Board may determine the forms in which applications for assistance from the Fund are to be made, the documents and other particulars which are to accompany such applications and the times within which such applications are to be submitted.

(2) Every owner, agent or manager of a mine who requires assistance from the Fund during any financial year shall apply to the Board for such assistance in conformity with the procedure determined by the Board under sub-rule (1).

##### Priority Among Applications for Assistance

33. (1) Applications for assistance under Clause (a) or Clause (b) of Rule 31 shall have priority over applications for assistance under Clause (c) of that rule.

<sup>1</sup> Added vide G. of B. Gaz. Part IV C. P. 1631-1634 of 10/10/40.

(2) Priority among applications for assistance under Clause (c) of Rule 31 shall be determined by the Board according to the degree of urgency of the proposed stowing operations from the point of view of safety.

(3) Before determining priority under sub-rule (2) the Board shall call for and consider the opinion of the Chief Inspector.

#### Form of Assistance

34. The Board may grant assistance from the Fund, at its discretion in each case, in one or more of the following ways namely—

- (i) by the grant of stowing materials,
- (ii) by the loan of stowing plant and means of transport of stowing materials,
- (iii) by making monetary grants towards the expenses involved in carrying out the measures for which assistance is granted,
- (iv) by the grant of loans for meeting either wholly or in part, expenses on the purchase and installation of
  - (a) stowing plant in mines and
  - (b) means of transport for stowing materials.

#### Quantum of Assistance

35. (1) Assistance from the Fund shall be granted by the Board with due regard to all the circumstances of each case.

(2) Where assistance is given in the form of a monetary grant it shall be based on the expenditure involved (including the cost of depreciation of any plant in use), as assessed by the Board, for the execution of the measures for which the assistance is granted.

(3) A loan for the purchase and installation of plant shall take the form of direct payment or guarantee of payment up to the limit of the loan sanctioned of the bills submitted by the suppliers of the plant after such check of the bills as the Board may consider necessary.

#### Execution of Protective Measures Directly by the Board

36. If in the opinion of the Board it is necessary or desirable that any protective measures required in furtherance of the objects of the Act should be undertaken directly by the Board, the Board may execute or cause to be executed such measures under its own supervision.

(2) The Board may for reasons to be recorded in writing, sanction the payment from the fund of the full cost of any protective measures undertaken under sub-rule (1).

**Conditions Attaching to the Grant of Assistance**

37. (1) In each case in which assistance is granted under these rules the Board shall impose such conditions as it may consider necessary for ensuring,

- (a) that the assistance given is utilised for the purpose for which it is granted,
- (b) that the data on which assistance is calculated or claimed are in accordance with facts,
- (c) that any particulars which the Board may from time to time require for the proper discharge of its responsibilities are duly and promptly supplied, and
- (d) that all necessary facilities are accorded for any inspections by persons duly authorised by the Board for the purpose of checking the correctness of any information that may have been supplied under clause (c) or for the collection of any such information.

(2) Before granting assistance under these rules, the Board shall require the owner, agent or manager of the mine to whom assistance is proposed to be granted to execute a bond for the fulfilment of the conditions imposed by the Board under sub-rule (1).

(3) It shall be a condition of every bond executed under sub-rule (2) that in the event of the owner, agent or manager of the Mine violating any condition imposed under sub-rule (1) such owner, agent or manager shall be liable to pay to the Board such sum or sums as may be specified in the bond, at the discretion of the Board, with due regard to the circumstances of each case.

**Conditions Attaching to the Grant of Loans**

38. (1) The Central Government shall from time to time fix the rates of interest to be charged on loans granted by the Board for the purchase and installations of stowing plant and means of transport of stowing materials.

(2) Every such loan shall—

- (a) bear interest until repayment at the rate fixed under sub-rule (1) and in force at the time of granting the loan; and
- (b) shall be repayable within such time as the Board may in each case determine.

(3) The Board shall before granting any loan, take proper security for its repayment.

### Research

39. (1) The Board may grant assistance from the Fund for the prosecution by any agency of such types of research work connected with safety in Coal mines as may be authorised by the Central Government.

(2) The Board may also arrange for the prosecution of such research work under its own supervision and at the expenses of the Fund.

### Supply of Copy of Order Under Section 9 (3)

40. A copy of every order issued by the Chief Inspector and/or an Inspector under Sub-Section (3) of Section 9 shall be forwarded forthwith by such Chief Inspector or Inspector to the Board.

## CHAPTER VI ACCOUNTS AND BUDGET

### Deposit of Money

41. The sum of money received under Section 7 and any other moneys received by or on behalf of the Board shall be deposited to the credit of the Coal Mines Stowing Fund in the manner provided in rule 42<sup>1</sup> :

Provided that the Board may from time to time authorise the extension in the charge of the Chairman or any other person of such sum as it thinks fit as petty cash to meet contingent expenditure.

### Keeping of Accounts in Banks

42. (1) The current account or accounts of the Board shall be kept in the Imperial Bank of India or such other Bank as may be approved by the Central Government, and all moneys at the disposal of the Board with the exception of petty cash and of moneys placed in fixed deposit or invested in accordance with the provisions hereinafter contained shall be paid into these accounts.

(2) Any funds not required for current expenditure may be placed in fixed deposit with any Bank approved in this behalf by the Central Government or invested in the name of the Board in any security in which Trust Property may lawfully be invested under the Indian Trust Act, 1882 (II of 1882).

(3) The placing of money in fixed deposit and the investment thereof and the disposal of moneys so placed or invested shall be subject to the sanction of the Board.

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<sup>1</sup> Vide G. of B. Gaz. Part IV C. P. 1031-1034 of 10/10/40.



(4) Payments by or on behalf of the Board shall be made in cash or by cheque drawn against a current account of the Board.

(5) The cheque referred to in Sub-rule (4) and all orders for the making of deposits or investments or for the withdrawal of such deposits or the realization of such investments or for the disposal in any other manner of the funds of the Board shall be signed by the Secretary to the Board and countersigned by the Chairman or by a member authorised by the Board in this behalf.

#### **Budget**

43. (1) The Board shall in each year prepare a budget for the ensuing financial year and shall submit it for the sanction of the Central Government on or before the 1st February.

(2) The budget shall include statements of

- (i) the estimated opening balance,
- (ii) the estimated receipts under section 7 and from other sources, and
- (iii) the proposed expenditure—classified under the heads specified in sub-rule (3) of rule 45<sup>1</sup> and such other heads as may be settled at a meeting of the Board.

#### **Keeping, Auditing and Publication of Accounts**

44. (1) The Board shall keep accounts of all moneys received in and expended out of the Fund during each financial year.

(2) Such accounts shall be examined and audited annually or at such shorter intervals as the Central Government may require by auditors appointed by the Central Government in this behalf.

(3) The auditors may disallow any item which has in their opinion been expended out of the Fund otherwise than as directed by or under the Act or these rules.

(4) If an item of expenditure is disallowed by the auditors, the Central Government may—

- (a) either remit the disallowance made by the auditors ; or
- (b) sanction the expenditure ; or
- (c) direct that the amount be recovered from the person or persons responsible for the expenditure and credited to the Fund, provided that no recovery under this sub-clause shall be permissible if the expenditure has been incurred in good faith ;

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<sup>1</sup> Vide G. of B. Gaz. Part IV C. P. 1631-1684 of 10/10/40.

(d) direct that the item disallowed shall be dealt with in such other way as the Central Government may think fit.

(5) The audited statement of receipts and expenditure together with the annual report referred to in clause (e) of sub-rule (1) of rule 19 shall be submitted to the Central Government not later than July in each year.

(6) An abstract statement of the accounts together with the auditors' report thereon shall be published annually in the Official Gazette.

### Receipts and Expenditure

45. (1) The accounts of receipts shall be shown under the following heads :

- (a) sum received under section 7 ;
- (b) any other moneys received ;
- (c) any interest that may have accrued from the investment of such sum or moneys as aforesaid.

(2) Total receipts only shall be shown under each of the heads specified in sub-rule (1) and the opening balance, if any, shall also be stated.

(3) Accounts of expenditure shall be shown under the following heads :

- (a) administration of the Board,
- (b) other expenditure connected with administration of the Act,
- (c) grant of stowing materials or other assistance for stowing operations to owners, agents or managers of coal mines,
- (d) other measures taken in connection with the furtherance of the objects of the Act,
- (e) Miscellaneous.

(4) The closing balance of the year, shall be shown at the foot of the accounts on the expenditure side.

(5) In addition to the particulars required by sub-rule (3) separate statements under heads (c) and (d) referred to in that sub-rule shall be drawn up, which shall show the sums paid to each owner, agent or manager of a Coal Mine independently or spent otherwise.

## NOTIFICATIONS

No. M-955.<sup>1</sup> In exercise of the power conferred by section (3) of the Coal Mines Safety (Stowing) Act, 1939, the Central Government is pleased with effect from 1st November 1939, to constitute the Coal Mines Stowing Board and to direct that it shall consist of the following members namely :—

## CHAIRMAN

MR. N. MAHADEVA AYYAR, I.C.S., (Appointed by Central Government).

## MEMBERS

THE CHIEF INSPECTOR OF MINES IN INDIA, (Ex-officio),  
MR. J. B. ROSS of Messrs. Shaw Wallace & Co., (Nominated by Indian Mining Association),

<sup>2</sup>MR. L. J. BARRACLOUGH, Chief Mining Engineer, Bengal Coal Co., Ltd., (Nominated by Indian Mining Association)

MR. M. N. MOOKHARJEE, M.L.A., Behar, (Nominated by the Indian Mining Federation,

MR. A. L. OJHA, (Nominated by the Indian Colliery Owners' Association).

No. M-955 (1)<sup>3</sup> In exercise of the powers conferred by section 5 of the Coal Mines Safety (Stowing) Act, 1939 (XIX of 1939) the Central Government is pleased—

- (i) to appoint the 1st of December 1939 as the date from which the duties of excise referred to in the said section shall be levied and collected,
- (ii) to fix two annas per ton as the rate at which the said duty shall be levied and collected on Coal and Soft Coke and
- (iii) to fix three annas per ton as the rate in which the said duty of excise shall be levied and collected on hard coke.

No. M-955<sup>4</sup> In pursuance of clause (1) (b) of Rule 26 of the Coal Mines Safety (Stowing) Rules, 1939, the Central Government is pleased to fix 5 as the percentage which each Railway Administration shall be entitled to deduct, towards the cost of collection, from the total amount of Excise Duty collected by it under the said rules.

<sup>1</sup> Vide G. of B. Gaz. P. IV A. P. 1700 of 7/9/39.

<sup>2</sup> Vide G. of B. Gaz. P. I P. 3316 of 18/9/41.

<sup>3</sup> Vide G. of B. Gaz. P. IV A. P. 2040-41 of 9/11/39.

<sup>4</sup> Vide G. of B. Gaz. P. IV C. P. 225 of 29/2/40.

# The Children (Pledging of Labour) Act, 1933

INDIA ACT NO. II OF 1933.

*An Act to prohibit the pledging of the labour of Children.*

Whereas it is expedient to prohibit the making of agreements to pledge the labour of children and the employment of children whose labour has been pledged; it is hereby enacted as follows:—

## **Short Title and Extent**

1. (1) This Act may be called the Children (Pledging of Labour) Act, 1933.

(2) It extends to the whole of British India including British Baluchistan and the Sonthal Parganas.

(3) This Section and Sections 2 and 3 shall come into force at once, and the remaining Sections of this Act shall come into force on the first day of July, 1933.

## **Definitions**

2. In this Act, unless there is anything repugnant in the subject or context,—

“An agreement to pledge the labour of a child” means an agreement, written or oral, express or implied, whereby the parent or guardian of a child, in return for any payment or benefit received or to be received by him, undertakes to cause or allow the services of the child to be utilized in any employment:

Provided that an agreement made without detriment to a child and not made in consideration of any benefit other than reasonable wages to be paid for the child's services, and terminable at not more than a week's notice, is not an agreement within the meaning of this definition;

“Child” means a person who is under the age of fifteen years; and

“Guardian” includes any person having legal custody of or control over a child.

## **Agreement Contrary to the Act be void**

3. An agreement to pledge the labour of a child shall be void.

**Penalty for Parent or Guardian Making Agreement to pledge the Labour of a Child**

4. Whoever, being the parent or guardian of a child, makes an agreement to pledge the labour of that child, shall be punished with fine which may extend to fifty rupees.

**Penalty for Making with a Parent or Guardian an Agreement to Pledge the Labour of a Child**

5. Whoever makes with the parent or guardian of a child an agreement whereby such parent or guardian pledges the labour of the child shall be punished with fine which may extend to two hundred rupees.

**Penalty for employing a Child whose Labour has been Pledged.**

6. Whoever, knowing or having reason to believe that an agreement has been made to pledge the labour of a child, in furtherance of such agreement employs such child, or permits such child to be employed in any premises or place under his control, shall be punished with fine which may extend to two hundred rupees.

## Employment of Children Act, 1938.

INDIA ACT NO. XXVI OF 1938.<sup>1</sup>

*An Act to regulate the admission of children to certain industrial employments.*

Whereas it is expedient to regulate the admission of children to certain industrial employments, it is hereby enacted as follows :

**Short Title & Extent**

1. (1) This Act may be called the Employment of Children Act, 1938.

(2) It extends to the whole of British India.

**Definitions**

2. In this Act

(a) "Competent Authority" in respect of any major port as defined in the Indian Ports Act, 1908 and

<sup>1</sup> Amended vide India Act No. XV of 1930 G. of B. Gaz. Part IV. P. 360-62 of 25/4/30. Amendments Came into force 1st Oct. 1930.

in respect of the Federal Railways as defined in the Indian Railways Act, 1890, means the Central Government and in any other case means the Provincial Government.

- (b)<sup>1</sup> "Occupier" of a workshop means the person who has ultimate control over the affairs of the workshop ;
- (c) "Prescribed" means prescribed by rules made under this Act ;
- (d) "Workshop" means any premises (including the precincts thereof) wherein any industrial process is carried on, but does not include any premises to which the provisions of the Sec. 50 of the Factories Act, 1934, for the time being apply.

**Prohibition of Employment of children in certain occupations**

3. (1) No child who has not completed his 15th year shall be employed or permitted to work in any occupation connected with the transport of passengers, goods or mails by railway.

(2) No child who has not completed his 15th year shall be employed or permitted to work in any occupation involving any handling of goods within the limits of any ports to which for the time being any of the provisions of the Indian Ports Act of 1908 are applicable.

(3)<sup>2</sup> No child who has not completed his twelfth year shall be employed, or permitted to work, in any workshop wherein any of the processes set forth in the Schedule is carried on :

Provided that nothing in this sub-section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family only and without employing hired labour or to any school established by, or receiving assistance or recognition from, a Provincial Government.

**Power to amend the Schedule.**

3-A<sup>3</sup>. The Provincial Government after giving, by notification in the *Official Gazette*, not less than three

<sup>1</sup> Added vide India Act XV of 1930 G. of B. Gaz. Part IV P. 360-62 of 25/4/30.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

months notice of its intention so to do may, by like notification, add any description of process to the Schedule, and thereupon the Schedule shall have force in the Province as if it has been enacted accordingly.

**Notice to Inspector before carrying on work in certain Processes.**

**3.-B.<sup>1</sup>** Before work in any of the processes set forth in the Schedule is carried on in any workshop after the 1st day of October 1939, the occupier shall send to the Inspector, within whose local limits the workshop is situated, a written notice containing—

- (a) the name and situation of the workshop,
- (b) the name of the person in actual management of the workshop,
- (c) the address to which communications relating to the workshop should be sent, and
- (d) the nature of the processes to be carried on in the workshop.

**Disputes to age.**

**3.-C<sup>2</sup>.** If any question arises between an inspector and an employer as to whether any child has or has not completed his twelfth or fifteenth year, as the case may be, the question shall in the absence of a certificate as to the age of such child, granted by a prescribed Medical authority be referred by the Inspector for decision to the prescribed Medical authority.

**Penalty.**

4. Whoever employs any child or permits any child to work in contravention of the provisions of sec. 3, or fails to give notice as required by Sec. 3.B<sup>3</sup> shall be punishable with fine which may extend to five hundred rupees.

**Procedure Relating to Offences.**

5. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of an Inspector appointed under Sec. 6.

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<sup>1</sup> Added vide India Act XV, G. of B. Gaz. Part IV p. 300-02 of 25/4/39.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

(2) <sup>1</sup> Every certificate as to the age of a child which has been granted by a prescribed Medical authority shall, for the purposes of this Act, be conclusive evidence as to the age of the child to whom it relates.

(3) No court inferior to that of the Presidency Magistrate or a Magistrate of the First Class, shall try any offence under this Act.

**Appointment of Inspectors.**

6. The competent authority may appoint persons to be Inspectors for the purpose of securing compliance with the provisions of this Act, and any Inspector so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

**Power to make Rules.**

7. (1) The competent authority may by notification in the *Official Gazette* and subject to the condition of previous publication make rules for carrying into the effect the provisions of the Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(a) Regulate the procedure of Inspectors appointed under Sec. 6 and

(b) make provisions for the grant of certificate of age in respect of young persons in employment or seeking employment, the Medical<sup>2</sup> authorities which may issue such certificates, the form of such certificates, the charges which may be made therefore, and the manner in which such certificates may be used :

Provided that no charge shall be made for the issue of any such certificate if the application is accompanied by evidence of age deemed satisfactory by the authority concerned.

8. Amendment of Sec. 6, Indian Ports Act (XV of 1908) Sub-Sec. (1A) of Sec. 6 of the Indian Ports Act, 1908 and the words, brackets, figures and letters "and Sub-Section (1A)" in Sub-Sec (2) of the said section shall be omitted.

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<sup>1</sup> Added vide India Act No. XV of 1939. G. of B. Gaz, Part IV P. 360-02 of 25/4/39  
<sup>2</sup> Ibid.



**THE SCHEDULE<sup>1</sup>****(See Sections 3, 3A and 3B)****LIST OF PROCESSES**

(1) Bidi-making; (2) Carpet Weaving; (3) Cement Manufacture, including bagging of cement; (4) Cloth-printing, Dyeing and Weaving; (5) Manufacture of Matches, explosives and fire works; (6) Mica Cutting and Splitting; (7) Shellac Manufacture; (8) Soap Manufacture; (9) Tanning; (10) Wool-cleaning.

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**EMPLOYMENT OF CHILDREN ACT, 1938.**  
**RULES**

No. 2764/34. The following notification by the Government of India, Department of Labour is re-published No. L 3090 dated New Delhi, the 8th February 1940.

In exercise of the powers conferred by section 7 of the Employment of Children Act, 1938, (XXVI of 1938), the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (1) of the said section, namely :—

**EMPLOYMENT OF CHILDREN (FEDERAL RAILWAY)**  
**RULES, 1940**

(1) These rules may be called the Employment of Children (Federal Railways) Rules, 1940.

(2) In these rules "the Act" means the Employment of Children Act, 1938, (XXVI of 1938).

(3) An Inspector appointed by the Central Government may enter any place where persons are employed in any occupation connected with the transport of passenger, goods or mails on a federal railway, and may take on the spot, or otherwise such evidence of any persons and exercise such other powers of inspection, as he may deem necessary for carrying out the purposes of the Act.

(4) Any Medical practitioner registered under the Medical Act, 1858, or under any Act of any legislature in British India providing for the maintenance of a register of Medical practitioners, may grant certificate of age in respect of young persons in employment or seeking employment in federal railways.

(5) A certificate of age granted under rule 4 shall be in the form appended to these rules.

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<sup>1</sup> Added vide India Act No. XV of 1939 G. of B. Gaz. Part IV p. 360-62 of 25/4/39

FORM OF CERTIFICATE

(RULE 5)

Date

I hereby certify that I have personally examined (Name)  
son of .....

(Caste etc.) .....

Residing at .....

and that he has completed his fifteenth year.

His descriptive marks are .....

Thumb impression .....

MEDICAL PRACTITIONER.

NOTIFICATIONS

No. 2764/34. The following notification by the Government of India, Department of Labour, is republished.

No. L-3092, dated New Delhi, the 8th February 1940.

In exercise of the powers conferred by section 6 of the Employment of Children Act, 1938 (XXVI of 1938), the Central Government is pleased to appoint the undermentioned persons to be inspectors for the purposes of the said Act in respect of Federal Railways :—

1. Conciliation Officer (Railways) and Supervisor of Railway Labour.
2. Deputy Supervisor of Railway Labour.
3. Inspector of Railway Labour.

No. 2764/34-1. In exercise of the powers conferred by Section 6 of the Employment of Children Act, 1938 (XXVI of 1938), read with section 22 of the General Clauses Act, 1897 (X of 1897), the Government of Bombay is pleased to appoint the following Officers to be Inspectors for the purpose of securing compliance with the provisions of the said Act in respect of workshops mentioned in schedule to the said Act.

1. Inspectors of Factories having their Headquarters at Bombay—(local area). Town and Island of Bombay and Bombay Suburban District.

2. Inspectors of Factories having their Headquarters at Ahmedabad—Ahmedabad City and Ahmedabad Cantonment.

3. Inspector of Factories having his Headquarter at Poona—Poona City and Poona Cantonment.

4. Sub-divisional Magistrates, Mamalatdars and Mahalkaries—Local area within the limits of their respective jurisdictions.

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#### **THE BOMBAY EMPLOYMENT OF CHILDREN (WORKSHOP) RULES, 1939.**

No. 2764/34-2. In exercise of the powers conferred by sub-Section (1) and (2) of Section 7 of the Employment of Children Act, 1938 (XXVI of 1938), as amended by the Employment of Children (Amendment) Act, 1939 (XV of 1939) read with section 22 of the General Clauses Act, 1897 (X of 1897), the Government of Bombay is pleased to make the following rules the same having been previously published as required by sub-section (1) of the said Section 7 of the said Act viz,—

1. (i) These Rules may be called the Bombay Employment of Children (Workshop) Rules, 1939.

(ii) They shall come into force on the 1st October 1939.

2. In these rules "the Act", means the Employment of Children Act, 1938 (XXVI of 1938).

3. An Inspector appointed by the Government of Bombay under section 6 of the Act may at any time enter any workshop wherein persons are employed in any of the processes set forth in the Schedule of the Act or any premises which he may suspect to be such workshop and may require any person to give any evidence and may take such evidence on the spot or otherwise and exercise such other powers of inspection as he may deem necessary for carrying out the purposes of this Act.

4. All Medical Practitioners under the Medical Act 1858, (21 and 22 Vide Chapter XC) or under any Act of any Legislature in British India which provides for the maintenance of a Register of Medical Practitioners, may grant certificates of age in respect of young persons in employment or seeking employment in a Workshop.

5. A certificate of age granted under Rule 4 shall be in the form prescribed to these rules.

### FORM OF CERTIFICATE

#### (RULE 5)

I hereby certify that I have personally examined

(Name) .....

Son/daughter of ..... (Caste etc.)

.....

Residing at .....and that he/she has

completed his/her twelfth year. His/her descriptive marks are

.....

Thumb Impression .....

MEDICAL PRACTITIONER.

**EMPLOYMENT OF CHILDREN (MINOR PORTS)  
RULES, 1939**

No. 130/39. In exercise of the powers conferred by sub-section (2) of section (7) of the Employment of Children Act, 1938 (XXVI of 1938), the Government of Bombay is pleased to make the following rules namely :

(1) These rules may be called the Employment of Children (Minor Ports) Rules, 1939.

(2) In these rules "the Act", means the Employment of Children Act, 1938 (XXVI of 1938).

(3) An Inspector appointed by the Provincial Government under section 6 of the Act may at any time enter any minor port where persons are employed in any occupation involving the handling of goods and may require any person to give evidence, take evidence of such person and exercise such other powers of inspections, as he may deem necessary for carrying out the purposes of the Act.

(4) Any Medical practitioner registered under the Medical Act 1858, (21 and 22 Vict. Chap. XC) or under any Act of any legislature in British India which provides for the maintenance of a register of Medical practitioners, may grant certificate of age in respect of young persons in employment or seeking employment in minor ports.

(5) A certificate of age granted under rule 4 shall be in the form appended to these rules.

**FORM OF CERTIFICATE**

(RULE 5)

Date.....

I hereby certify that I have personally examined (Name)

..... son of .....

Caste etc. .... residing at .....  
and that he has completed his fifteen year. His descriptive

marks are .....

Thumb impression .....

MEDICAL PRACTITIONER.

EMPLOYMENT OF CHILDREN (MAJOR PORTS) RULES, 1940

NEW DELHI, THE 26TH NOVEMBER 1940

No. L.-3090.—In exercise of the powers conferred by Section 7 of the Employment of Children Act, 1938 (XXVI of 1938), the Central Government is pleased to make the following rules, the same having been previously published as required by Sub-section (1) of the said Section, namely :—

1. These rules may be called the EMPLOYMENT OF CHILDREN (MAJOR PORTS) RULES, 1940.

2. In these rules, "the Act" means the Employment of Children Act, 1938 (XXVI of 1938).

3. An Inspector appointed by the Central Government may enter any place where persons are employed in any occupation connected with the transport of passengers or goods within the limits of a major port and may take on the spot or otherwise such evidence of any persons, and exercise such other powers of inspection, as he may deem necessary for carrying out the purposes of the Act.

4. A Port Health Officer or Assistant Port Health Officer may grant certificates of age free of charge in respect of young persons in employment or seeking employment in major ports.

5. A certificate of age granted under rule 4 shall be in the Form appended to these rules.

FORM OF CERTIFICATE

(RULE 5)

Date.....

I hereby certify that I have personally examined (name)

..... son of .....

(caste, etc.) ..... residing at .....

and that he has completed his fifteenth year. His descriptive

marks are .....

Thumb-impression.

Port Health Officer.  
Assistant Port Health Officer.

# The Employers' Liability Act, 1938

INDIA ACT NO. XXIV OF 1938.\*

*An Act to declare that certain defences shall not be raised in suits for damages in British India in respect of injuries sustained by workmen.*

Whereas it is expedient to declare that certain defences shall not be raised in suits for damages in British India in respect of injuries sustained by workmen ; it is hereby enacted as follows :—

## **Short title and extent :—**

1. (i) this Act may be called the Employers' Liability Act, 1938.
- (ii) it extends to the whole of British India.

## **Definitions :—**

2. In this Act, unless there is anything repugnant in the subject or context,

- (a) "Workman" means any person who has entered into, or works under contract of service or apprenticeship with an employer whether by way of manual labour, clerical work or otherwise and whether the contract is expressed or implied, oral or in writing ; and
- (b) "Employer" includes any body of persons whether incorporated or not, and any Managing Agent of an employer, and the legal representatives of a deceased employer, and whether the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into contract of service or apprenticeship, means such other person while the workman is working for him.

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\* Vide G. of B. Gaz. Part IV p. 372 of 6/10/38.

**Defence of common employment barred in certain cases :**

3. Where personal injury is caused to a workman—

- (a) by reason of the omission of the employer to maintain in good and safe condition any way, works, machinery or plant connected with or used in his trade or business, or by reason of like omission on the part of any person in the service of the employer who has been entrusted by the employer with the duty of seeing that such way, works, machinery or plant are in good and safe condition ; or
- (b) by reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him, whilst in the exercise of such superintendence ; or
- (c) by reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform, where the injury resulted from his having so conformed ; or
- (d) by reason of any act or omission of any person in the service of the employer done or made in obedience to any rule or bye-law of the employer (not being a rule or bye-law which is required by or under any law for the time being in force to be approved by any authority and which has been so approved) or in obedience to particular instructions given by any person to whom the employer has delegated authority in that behalf or in the normal performance of his duties ;

a suit for damages in respect of the injury instituted by the workman or by any person entitled in case of his death shall not fail by reason only of the fact that the workman was at the time of the injury a workman of or in the service of or employed in the work of, the employer.

**Risk not to be deemed to have been assumed without full knowledge:**

4. In any such suits for damages, the workman shall



not be deemed to have undertaken any risk attaching to the employment unless the employer proves that the risk was fully explained to and understood by the workman and that the workman voluntarily undertook the same.

**Saving :—**

5. Nothing in this Act shall affect the validity of any decree or order of a civil court passed before the commencement of this Act in any such suit for damages.

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## The Factories Act, 1934

INDIA ACT NO. XXV OF 1934<sup>1</sup>.

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*An Act to consolidate and amend the law regulating labour in factories.*

Whereas it is expedient to consolidate and amend the law regulating labour in factories; it is hereby enacted as follows :—

### CHAPTER I.

#### Preliminary

**Short title, extent and commencement.**

1. (1) This Act may be called the Factories Act, 1934.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on the 1st day of January 1935.

**Definitions.**

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “adolescent” means a person who has completed his fifteenth but has not completed his seventeenth year ;

(b) “adult” means a person who has completed his seventeenth year ;

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<sup>1</sup> For Statement of Objects and Reasons, see *Gazette of India*, 1933. Pt. V. p. 175 for Report of Select Committee, see *Ibid*, 1934, Pt. V, p. 44.

- (c) "child" means a person who has not completed his fifteenth year ;
- (d) "day" means a period of twenty-four hours beginning at midnight ;
- (e) "week" means a period of seven days beginning at midnight on Saturday night ;
- (f) "power" means electrical energy, and any other form of energy which is mechanically transmitted and is not generated by human or animal agency ;
- (g) "manufacturing process" means any process—
  - (i) for making, altering, repairing, ornamenting, finishing or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or
  - (ii) for pumping oil, water or sewage, or
  - (iii) for generating, transforming or transmitting power ;
- (h) "worker" means a person employed, whether for wages or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or connected with the subject of the manufacturing process, but does not include any person solely employed in a clerical capacity in any room or place where no manufacturing process is being carried on ;
- (j) "factory" means any premises including the precincts thereof whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, but does not include a mine subject to the operation of the Indian Mines Act, 1923 (IV of 1923) ;
- (k) "machinery" includes all plant whereby power is generated, transformed, transmitted or applied ;



Provided that the [Provincial Government]<sup>1</sup> may, by notification in the [Official Gazette]<sup>2</sup>, declare any such factory in which manufacturing processes are ordinarily carried on for more than one hundred and eighty working days in the year, not to be a seasonal factory for the purposes of this Act.

(2) The [Provincial Government]<sup>1</sup> may, by notification in the [Official Gazette]<sup>2</sup>, declare any specified factory in which manufacturing processes are ordinarily carried on for not more than one hundred and eighty working days in the year and cannot be carried on except during particular seasons or at times dependent on the irregular action of natural forces, to be a seasonal factory for the purposes of this act.

**Power to apply provisions applicable to factories to certain other places.**

35. (1) The Provincial Government may, by notification in the *Official Gazette*, declare that all or any of the provisions of this Act applicable to factories shall apply to any place wherein a manufacturing process is being carried on or is ordinarily carried on whether with or without the use of power whenever ten or more workers are working therein or have worked therein on any one day of the twelve months immediately preceding.

(2) A notification under sub-section (1) may be made in respect of any one such place or in respect of any class of such places or generally in respect of all such places.

(3) Notwithstanding anything contained in clause (j) of Section 2, a place, to which all or any of the provisions of this Act applicable to factories are for the time being applicable in pursuance of a declaration under sub-section (1), shall, to the extent to which such provisions are so made applicable but not otherwise, be deemed to be a factory.

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<sup>1</sup> Those words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "Local Official Gazette," *ibid*.

<sup>3</sup> This section was substituted for old section 5, by the Factories (Amendment) Act 1941, (XVI of 1941).

**Power to declare departments to be separate factories.**

6. The [Provincial Government]<sup>1</sup> may, by order in writing direct that the different departments or branches of a specified factory shall be treated as separate factories for all or any of the purposes of this Act.

**Power to exempt on a change in the factory.**

7. Where the [Provincial Government]<sup>1</sup> is satisfied that, following upon a change of occupier of a factory or in the manufacturing processes carried on therein, the number of workers for the time being working in the factory is less than twenty and is not likely to be twenty or more on any day during the ensuing twelve months, it may, by order in writing, exempt such factory from the operation of this Act :

Provided that any exemption so granted shall cease to have effect on and after any day on which twenty or more workers work in the factory.

**Power to exempt during public emergency.**

8. In any case of public emergency the [Provincial Government]<sup>2</sup> may, by notification in the [Official Gazette]<sup>3</sup>, exempt any factory from any or all of the provisions of this Act for such period as [it]<sup>4</sup> may think fit.

**Notice to Inspector before commencement of work.**

9. (1) Before work is begun in any factory after the commencement of this Act, or before work is begun in any seasonal factory each season, the occupier shall send to the Inspector a written notice containing—

- (a) the name of the factory and its situation,
- (b) the address to which communications relating to the factory should be sent,
- (c) the nature of the manufacturing processes to be carried on in the factory,
- (d) the nature and amount of power to be used,

<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "Governor-General in Council," by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>3</sup> These words were substituted for the words "Gazette of India" *ibid.*

<sup>4</sup> This word was substituted for the word "he," *ibid.*

- (e) the name of the person who shall be the manager of the factory for the purposes of this Act, and
- (f) such other particulars as may be prescribed.<sup>1</sup>
- (2) Whenever another person is appointed as manager, the occupier shall send to the Inspector a written notice of the change, within seven days from the date on which the new manager assumes charge.
- (3) During any period for which no person has been designated as manager of a factory under this section, or during which the person designated does not manage the factory, any person found acting as manager, or, if no such person is found, the occupier himself, shall be deemed to be the manager of the factory for the purposes of this Act.

## CHAPTER II. THE INSPECTING STAFF

### Inspectors.

- 10. (1) The [Provincial Government]<sup>2</sup> may, by notification in the [Official Gazette]<sup>3</sup>, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.
- (2) The [Provincial Government]<sup>2</sup> may, by notification as aforesaid, appoint any person to be a Chief Inspector, who shall, in addition to the powers conferred on a Chief Inspector under this Act, exercise the powers of an Inspector throughout the province.
- (3) No person shall be appointed to be an Inspector under sub-section (1) or a Chief Inspector under sub-section (2) or, having been so appointed, shall continue to hold office, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.
- (4) Every District Magistrate shall be an Inspector for his district.

<sup>1</sup> Vide G. of B. Gaz. Part IV P. 103 of 5/5/44. India Act No. XIV of 1944.

<sup>2</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>3</sup> These words were substituted for the words "Local Official Gazette," *ibid.*

(5) The [Provincial Government]<sup>1</sup> may also, by notification as aforesaid, appoint such public officers as it thinks fit to be additional Inspectors for all or any of the purposes of this Act, within such local limits as it may assign to them respectively.

(6) In any area where there are more Inspectors than one, the [Provincial Government]<sup>1</sup> may, by notification as aforesaid, declare the powers which such Inspectors shall respectively exercise, and the Inspector to whom the prescribed notices are to be sent.

(7) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code and shall be officially subordinate to such authority as the [Provincial Government]<sup>1</sup> may specify in this behalf.

#### **Powers of Inspector.**

11. Subject to any rules made by the [Provincial Government]<sup>1</sup> in this behalf, an Inspector may, within the local limits for which he is appointed,—

- (a) enter, with such assistants (if any), being persons [in the service of the Crown]<sup>2</sup> or of any municipal or other public authority as he thinks fit, any place which is, or which he has reason to believe to be used as a factory or capable of being declared to be a factory under the provisions of Section 5 ;
- (b) make such examination of the premises and plant and of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act ; and
- (c) exercise such other powers as may be necessary for carrying out the purposes of this Act :

Provided that no one shall be required under this Sec-

<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "in the employment of Government," *ibid.*

tion to answer any question or give any evidence tending to criminate himself.

**Certifying surgeons.**

12. (1) The [Provincial Government]<sup>1</sup> may appoint such registered medical practitioners as it thinks fit to be certifying surgeons for the purposes of this Act within such local limits as it may assign to them respectively.

(2) A certifying surgeon may authorise any registered medical practitioner to exercise any of his powers under this Act :

Provided that a certificate of fitness for employment granted by such authorised practitioner shall be valid for a period of three months only, unless it is confirmed by the certifying surgeon himself after examination of the person concerned.

*Explanation.*—In this section a “registered medical practitioner” means any person registered under the Medical Act, 1858, or any subsequent enactment amending it, or under any Act of any legislature in British India providing for the maintenance of a register of medical practitioners, and includes, in any area where no such register is maintained, any person declared by the [Provincial Government]<sup>1</sup>, by notification in the [Official Gazette]<sup>2</sup>, to be a registered medical practitioner for the purposes of this Section.

### CHAPTER III.

### HEALTH AND SAFETY

#### Cleanliness.

13. Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and shall be cleansed at such times and by such methods

<sup>1</sup> These words were substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words “Local Official Gazette,” *ibid.*



as may be prescribed, and these methods may include lime-washing or colour-washing, painting, varnishing, disinfecting and deodorising.

#### **Ventilation.**

14. (1) Every factory shall be ventilated in accordance with such standards and by such methods as may be prescribed.

(2) Where gas, dust or other impurity is generated in the course of work, adequate measures shall be taken to prevent injury to the health of workers.

(3) If it appears to the Inspector that in any factory gas, dust or other impurity generated in the course of work is being inhaled by the workers to an injurious extent, and that such generation or inhalation could be prevented by the use of mechanical or other devices, he may serve on the manager of the factory an order in writing, directing that mechanical or other devices for preventing such generation or inhalation shall be provided before a specified date, and shall thereafter be maintained in good order and used throughout working hours.

(4) The [Provincial Government]<sup>1</sup> may make rules for any class of factories requiring mechanical or other devices to be provided and maintained for preventing the generation or inhalation of gas, dust or other impurities, which may be injurious to workers and specifying the nature of such devices.

#### **Artificial humidification.**

15. (1) The [Provincial Government]<sup>1</sup> may make rules—

- (a) prescribing standards for the cooling properties of the air in factories in which the humidity of the air is artificially increased ;
- (b) regulating the methods used for artificially increasing the humidity of the air ; and
- (c) directing prescribed tests for determining the humi-

<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

dity and cooling properties of the air to be carried out and recorded.

(2) In any factory in which the humidity of the air is artificially increased, the water used for the purpose shall be taken from a public supply or other source of drinking water, or shall be effectively purified before it is so used.

(3) If it appears to the Inspector that the water used in a factory for increasing humidity which is required to be effectively purified under sub-section (2) is not effectively purified, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

#### **Cooling.**

16. If it appears to the Chief Inspector or to an Inspector specially authorised in this behalf by the [Provincial Government]<sup>1</sup> that the cooling properties of the air in any factory are at times insufficient to secure workers against injury to health or against serious discomfort, and that they can be to a great extent increased by measures which will not involve an amount of expense which is unreasonable in the circumstances, the Chief Inspector may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

#### **Overcrowding.**

17. In order that no room in a factory shall be crowded during working hours to a dangerous extent or to an extent which may be injurious to the health of the workers, the proportion which the number of cubic feet of space in a room and the number of superficial feet of its floor area bears to the number of workers working at any time therein shall not be less than such standards as may be pres-

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<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

the appropriate sanctioning authority for the permission required by sub-section (1) of section 3 of the Ordinance.

(2) In such application the applicant shall state correctly, the following particulars, namely :—

- (i) Name and address of the factory which it is desired to dismantle or from which it is desired to remove spare parts.
- (ii) Products manufactured in the factory.
- (iii) Details of the machinery concerned.
- (iv) Place to which it is proposed to move the machinery or spare parts.
- (v) Full reasons for making the application.
- (vi) Such further particulars as the appropriate sanctioning authority may, by general or special order, require.

4. (1) On receipt of an application under rule 3, the sanctioning authority shall, after making such enquiry, if any, as may be considered necessary either reject the application or grant in writing the permission sought :

Provided that in any doubtful case the sanctioning authority may submit the application for the orders of the Central Government.

(2) If the sanctioning authority rejects an application, he shall inform the applicant without delay.

5. Where the sanctioning authority rejects an application, the applicant may, within thirty days from the receipt of the order rejecting the application, present an appeal to the Central Government, addressed to the Secretary, Industries and Civil Supplies Department.

6. The orders of the Central Government passed on an application submitted to it under the proviso to sub-rule (1) of rule 4 or on an appeal made under rule 5 shall be final.

7. Every officer authorised for the purposes of sub-section (1) of section 5 of the Ordinance may exercise the powers under that sub-section at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the work being carried on in the place.

8. The occupant of any place entered in exercise of the powers conferred under sub-section (1) of section 5 of the Ordinance, or some person in his behalf, shall in every case be permitted to accompany the officer while he is exercising his powers under the said sub-section, and shall upon request be entitled to receive a copy of any evidence recorded in pursuance of that sub-section.

## LABOUR AND FACTORY LEGISLATION

THE FACTORIES (CONTROL OF DISMANTLING)  
ORDINANCE, 1943.

## NOTIFICATION.

No. 7541/344.—The following notification by the Government of India, Department of Industries and Civil Supplies, is republished :—

No. F. 70-ID (40)/43 (I), dated New Delhi, 6th November 1943.

In pursuance of sub-section (1) of section 3 of the Factories (Control of Dismantling) Ordinance, 1943, the Central Government is pleased to authorise for the purposes of the said sub-section—

- (a) the Textile Commissioner and the Chief Controller, Raw Materials and Stores, Cotton Textile Directorate in relation to factories engaged in the manufacture of cotton textile goods and starch, and
- (b) the Controller General, Civil Supplies, in all other cases.

(Vide G. of B. Gaz. Part IVC. p. 1053 of 18-11-43)

THE FACTORIES (CONTROL OF DISMANTLING)  
ORDINANCE, 1943.

No. 7541/34.—The following notification by the Government of India, Department of Industries and Civil Supplies, is republished :—

No. F. 70-ID (40)/43 (II), dated New Delhi, 6th November 1943.

In pursuance of sub-section (1) of section 5 of the Factories (Control of Dismantling) Ordinance, 1943, the Central Government is pleased to authorise for the purposes of the said sub-section, the officers specified in the first column of the table hereto annexed within the local limits specified in the corresponding entry in the second column of the said table:—

## TABLE.

1	2
1. The Controller General, Civil Supplies ..	The whole of British India.
2. Deputy Controllers General, Civil Supplies ..	
3. Assistant Controllers General, Civil Supplies ..	
4. Inspectors of Civil Sup- plies ..	
..	
	Within the local limits of their jurisdiction as defined in the orders, by which they are appointed.

(Vide G. of B. Gaz. Part IVC. p. 1053 of 18-11-43)

# The Industrial Statistics Act 1942<sup>1</sup>

## INDIA ACT No. XIX of 1942.

*An Act to facilitate the collection of statistics of certain kinds relating to industries.*

WHEREAS it is expedient to facilitate the collection of statistics of certain kinds relating to industries ; it is hereby enacted as follows :—

### Short title, extent and commencement.

1. (i) This Act may be called the Industrial Statistics Act, 1942.
- (ii) It extends to the whole of British India.
- (iii) It shall come into force in a Province on such date as the Provincial Government<sup>2</sup> may, by notification in the Official Gazette, appoint in this behalf for such Province.

### Definition.

2. In this Act “prescribed” means prescribed in rules made under this Act or in any form prescribed by those rules.

### Collection of statistics.

3. (i) The Provincial Government may, by notification in the Official Gazette, direct that statistics shall be collected relating to any of the following matters, viz.,
  - (a) any matters relating to factories ;
  - (b) any of the following matters in so far as they relate to welfare of labour and conditions of labour, viz.,
    - (i) prices of commodities ;
    - (ii) attendance ;
    - (iii) living conditions, including housing, water supply and sanitation ;
    - (iv) indebtedness ;

<sup>1</sup> Brought into force in Bombay Province from 1st March 43, vide. G. of B. Gaz. Part IVA p. 38 of 1-3-43.  
<sup>2</sup> Vide G. of B. Gaz. Part IV p. 163-66 of 29-4-42.

- (v) rents of dwelling houses ;
- (vi) wages and other earnings ;
- (vii) Provident and other funds provided for labour ;
- (viii) benefits and amenities provided for labour ;
- (ix) hours of work ;
- (x) employment and unemployment ;
- (xi) industrial and labour disputes.

and thereupon the provisions of this Act shall apply to the collection of these statistics.

- (ii) In clause (a) of sub-section (i) "factory" means a factory as defined in clause (j) of section (2) of the Factories Act 1934 (XXV of 1934), or any premises deemed to be a factory in pursuance of a declaration made under sub-section (1) of Section 5 of that Act.

#### **Appointment of Statistics Authority.**

4. The Provincial Government may appoint an officer to be the Statistics Authority for the purposes of the collection of any statistics under this Act.

#### **Power of Statistics Authority to call for returns and information.**

5. (1) The Statistics Authority may serve or cause to be served on any person a notice requiring him to furnish at such intervals and in such form and with such particulars as may be prescribed, such information or returns relating to any matter in respect of which statistics are to be collected and to such authority or person and in such manner and at such times as may be prescribed.

(2) The notice referred to in sub-section (1) may be served by post.

#### **Right of Access to record or document.**

6. The statistics authority or any person authorised by him in writing in this behalf shall, for the purposes of collection of any statistics under this Act, have access to any relevant record or document in the possession of any

person required to furnish any information or return under this Act, and may enter at any reasonable time any premises wherein he believes such record or document to be, and may ask any question necessary for obtaining any information required to be furnished under this Act.

**Restrictions on the publication of returns and information.**

7. (1) No individual return, and no part of an individual return, made and no information with respect to any particular undertaking given, for the purposes for this Act shall, without the previous consent in writing of the owner for the time being of the undertaking in relation to which the return or information was made or given or his authorised agent, be published in such manner as would enable any particulars to be identified as referring to a particular undertaking.

(2) Except for the purposes of a prosecution under this Act or under the Indian Penal Code (XLV of 1860), no person not engaged in connection with the collection of statistics under this Act shall be permitted to see any individual return or information referred to in Sub-section (1).

**Penalties.**

8. If any person required to furnish any information or any return :—

- (a) wilfully refuses or without lawful excuse neglects to furnish such information or return as required under this Act, or
- (b) wilfully furnishes or causes to be furnished any information or return which he knows to be false, or
- (c) refuses to answer or wilfully gives false answer to any question necessary for obtaining any information required to be furnished under this Act, or if any person impedes the right of access to relevant records and documents or the right of entry conferred by section (6),

he shall for each such offence be punishable with fine which may extend to Rs. 500, and in case of a continuing offence

to a further fine which may extend to Rs. 200 for each day after the first during which the offence continues ; and in respect of false information, returns or answers the offence shall be deemed to continue until true information or a true return or answer has been given or made.

**Penalty for improper disclosures of information or returns.**

9. If any person engaged in connection with the collection of statistics under this Act wilfully discloses any information or the contents of any return given or made under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code (XLV of 1860), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to Rs. 1,000/-, or with both imprisonment and fine.

**Cognizance of offence.**

10. No prosecution under section (8) shall be instituted except by or with the sanction of the statistics authority and no prosecution under section (9) shall be instituted except by or with the sanction of the Provincial Government.

**Power of the Central Government to give directions.**

11. The Central Government may give directions to a Provincial Government as to the carrying into execution of this Act in the Province.

**Power of Provincial Government to make rules.**

12. (1) The Provincial Government may, subject to the condition of previous publication by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers, rules may be made under this section regulating exercise of the right of access to documents and the right of entry conferred by section (6).



# Industrial Statistics Act, 1942

## RULES, 1944

No. 419/33.—In exercise of the powers conferred by section 12 of the Industrial Statistics Act 1942 (XIX of 1942), the Government of Bombay is pleased to make the following rule for carrying out the purposes of the said Act, namely :—

The Statistics authority may serve or cause to be served on any person connected with a factory a notice in writing requiring such person to furnish to him annually on or before the 30th April in each year a return in accordance with the Form appended to this rule containing the particulars specified in the Form.

### Explanation.

In this rule statistics authority shall mean the officer appointed by the Government of Bombay to be the statistics authority under section 4 of the Industrial Statistics Act, 1942 for the purposes of the collection of statistics relating to any matter connected with the production of any articles or things in factories in the Province of Bombay.

C. I. I. S. Serial No.....

(Confidential)

### FORM.

Name under which Establishment is working..... ..

Nature of Industry..... ..

Year of starting the Establishment ..... ..

Address where Goods are manufactured or produced..... ..

Note:—In accordance with section 5 (1) of the Industrial Statistics Act, 1942 (XIX of 1942), and Bombay Government Notifications No. 4190/33 dated 6th April 1943, it is obligatory on all Industrial Establishments to which the Factories Act, 1934, applies to supply the Industrial Statistics Authority the information called for in this form. Under section 7(i) of the said Act, all information supplied is to be treated as strictly confidential.

## GENERAL INSTRUCTIONS.

The following notes outline the general instructions regarding the manner in which Returns are to be completed :—

- (1) Returns are required for statistical purposes only, and, accordingly, while the figures should be substantially accurate, absolute exactness, such as is essential in business accounts, is not required. If exact figures cannot be furnished, the best estimates practicable should be given, and attention drawn to this fact.
- (2) Returns shall be made for the official year (April-March) but if that is not the year adopted for accounts, the statistics may refer to and give particulars of the months of the accounting years.
- (3) In factories where more than one industry is carried on by the same person, A SEPARATE return should be forwarded for each industry. Any additional forms required will be sent on application to this department.
- (4) Where necessary, additional sheets of the same size may be employed for giving the particulars required, especially, in No. 1, Sections II and III below.

## SECTION I.

## General (Capital)\*

	Year Reviewed		
	For the year ending the 31st March		
	Total value of Block Account, i.e., original cost.	Accumulated depreciation after writing off to date	Present value after depreciation
A. BLOCK ACCOUNT.	1	2	3
(Fixed Assets).			
1. The present book value of land. ..			
2. The present book value of buildings, or if premises are hired, annual rent paid. ..			
3. (a) The present book value of machinery, tools and plant used.			
(b) Other fixed Assets ..			
<b>TOTAL BLOCK CAPITAL</b>			

\* Statistics should refer to the closing day of the Accounting Year.

1. Under this heading, the return should give the purchase value of the site on which the factory is erected and the cost of the improvements made on the site. If the land is not purchased, but is leasehold, the present book value of the lump sum consideration originally paid should be shown.

**B. WORKING CAPITAL.**

4. Value of stock of raw materials ..
5. Value of stock of finished and partly finished goods ..
6. Miscellaneous ..
7. Cash in hand and at the Bank.

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**TOTAL WORKING CAPITAL**

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**C. NON-PRODUCTIVE ASSETS.**

8. Investments in securities, shares and bullions.
9. Goodwill, if any, actually paid ..

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**TOTAL NON-PRODUCTIVE CAPITAL**

---

**TOTAL CAPITAL INVESTED  
(TOTAL OF A, B, and C) ..**

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2. Under this heading should be shown the cost of erecting and improving the factory building. Where the balance Sheet gives the present value of the building after providing for depreciation, it should be shown in the last column, and the amount written off as depreciation should be given separately in column No. 2. In other cases, the value of the block as shown in the Balance Sheet should only be given in the last column. If, however, the building or the site has been hired, the monthly or the annual rent paid for both or either should be shown and attention drawn to this fact.

3. Instructions as regards 3 (a) and (b) are the same as for 2 above.

(b) Other Fixed Assets should include Furniture, Fixtures and Fittings, Trade Marks, Patterns and Patents, Railway sidings, etc.

**G. Miscellaneous.**

This item should be the net balance (plus or minus as the case may be) of (A) outstanding amount (debts) due to be collected, the advance made against goods or to employees, and the Bills of Exchange received after deducting (B) liabilities to outsiders (credits) on account of expenses, goods supplied temporary loans or borrowings and acceptances (i.e., Bills of Exchange payable).

## SECTION II.

## Industrial Production.

Description.	Year Reviewed.	
	For the year ending the 31st March.	
	Quantity (Unit).	Net Selling Value. Rs.

1. Quantity and value of all varieties of principal products manufactured out of materials purchased by the firm :

(a)  
(b)  
(c)  
(d)  
(e)  
(f)  
(g)

2. Bye-Products.
3. Amount charged for work done for other firms and customers on materials supplied by them.
4. Total net selling value of goods made.

1. **PRODUCTS MANUFACTURED.**—All items should be shown separately. In addition, the different quantities (in their units) of the different varieties of goods produced in each industry should be carefully described. It should be noted that units used for measuring different kinds of goods may vary greatly in the same industry. It is essential, therefore, that the value of the units employed should be stated as precisely as possible.

In the case of cotton spinning and weaving mills, the particulars of manufactured goods should be given in the form adopted for submitting Returns under the Cotton Industries (Statistics) Act, 1926. Establishments in the Province of Bombay which are already supplying monthly statistics of the quantity and description of goods manufactured to the office of the Director of Commercial Intelligence and Statistics, Calcutta, should supply them in the form adopted for that office.

**VALUATION OF OUTPUT.**—The values to be shown should be the net selling values charged to customers for all deliveries of goods within the year of Return, plus the book value (i.e., cost price) of stocks at the end and less that of stocks at the beginning of the year. In determining the net selling value, firms should deduct from the amounts charged to customers such items as discounts, payment to transport firms, railway

cribed either generally or for the particular class of work carried on in the room.

### **Lighting.**

18. (1) A factory shall be sufficiently lighted during all working hours.

(2) If it appears to the Inspector that any factory is not sufficiently lighted, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3) The [Provincial Government]<sup>1</sup> may make rules requiring that all factories of specified classes shall be lighted in accordance with prescribed standards.

### **Water.**

19. (1) In every factory a sufficient supply of water fit for drinking shall be provided for the workers at suitable places.

(2) The supply required by sub-section (1) shall comply with such standards as may be prescribed.

(3) In every factory<sup>2</sup> a sufficient supply of water suitable for washing shall be provided for the use of workers, at suitable places and with facilities for its use, according to such standards as may be prescribed.

### **Latrines and urinals.**

20. For every factory sufficient latrines and urinals, according to the prescribed standards, shall be provided, for male workers and for female workers separately, of suitable patterns and at convenient places as prescribed, and shall be kept in a clean and sanitary condition during all working hours.

### **Doors to open outwards.**

21. In every factory the doors of each room in which more than twenty persons are employed shall, except in

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<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> Words "In which any process involving contact by the workers with injurious or abnoxious substances is carried on" were omitted vide G. of B. Gaz. Part IV. p. 103 of 5/5/44. India Act No. XIV of 1944.

companies, and to such other firms and companies for carriage outwards and add excise duty payable where necessary. In other words, the goods should be valued at the stage of delivery at which they pass out of the hands of the producing firm. It should be noted that total production refers to Goods MANUFACTURED OR PRODUCED during the 12 months under consideration and must NOT be confused with sales effected during the period.

2. In order to get the total value of its output, the return should state here separately the amount received by it for work done for other firms and customers.

### SECTION III.

#### Raw Materials.

#### YEAR REVIEWED

For the year ending the 31st March.

Indian. Imported. Total.

Quantity unit.	Cost Rs.	Quantity unit.	Cost Rs.	Quantity unit.	Cost Rs.
-------------------	-------------	-------------------	-------------	-------------------	-------------

1. What are the basic raw materials (Indian and Imported) used for production of articles in Section II above. Specify the quantity and cost at Factory or Works.

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)

2. Consumable Stores and accessories.

1. RAW MATERIALS.—Raw materials are only such articles as undergo transformation into finished products by the manufacturing process at any given establishment. The table should give particulars of all the principal materials purchased (excepting goods and stores used in the production of power for which see Section IV below), which were actually used by the factory during the 12 months in the production of those ma-

nufactured articles shown above in Section II. Materials purchased during the period, which were not used in manufacture should not be included but materials purchased prior to the period, which were used, should be included.

**VALUE OF RAW MATERIALS.**—The cost should be that paid by the factory to the supplier of raw materials plus any payments made for carriage of materials to factory premises, Customs duty, Octroi, and other charges. Only the total purchase value of the raw materials, and not the cost price of each unit of the materials, is required. Where raw materials are produced by the factory itself, the cost of raw materials consumed as appearing in the manufacturing of trading account should be shown.

Distinction between Indian and Imported goods should be shown where possible; in other cases, the total amount should be shown in the last column.

2. Accessories are all such articles utilized besides the basic raw materials in the manufacturing process, e.g., bobbins and shuttles in cotton mills.

## SECTION IV

### Power Machinery And Cost of Energy

Particulars of Prime Movers, Electric Generators and  
Electric Motors.

#### YEAR REVIEWED

POWER EQUIPMENT	For the year ending the 31st March.	
	Used in the year. B.H.P.	In reserve or idle. B.H.P.
a) PRIME MOVERS (Driving the works direct mechanically)— <i>Steam</i>		
Reciprocating Engines		
Turbines		
(a) PRIME MOVERS (Driving the works direct mechanically)—contd.		
<b>Internal Combustion—</b>		
Gas Engines	.. ..	.. ..
Petrol, Kerosene or other light oil Engines		
Heavy oil Engines	.. ..	.. ..

Water Engines	..	..	..	..
Other Engines	..	..	..	..

---

Total ..

---

**TOTAL OF PRIME MOVERS INSTALLED**

---

**(b) ELECTRIC GENERATOR DRIVEN BY—**

**Steam—**

Reciprocating Engines	..	..	..	..
Turbines	..	..	..	..

**Internal Combustion—**

Gas Engines	..	..	..	..
Petrol, Kerosene or other light oil Engines.				
Heavy oil Engines	..	..	..	..
Water Engines	..	..	..	..
Other Engines	..	..	..	..

---

Total ..

---

**TOTAL OF ELECTRIC GENERATORS INSTALLED**

---

**CONVERSION PLANT**

K. W. K. W.

(Where electrical energy is received from other Works under same ownership or is purchased and converted to a lower pressure A.C. or to D.C.).

Transformers for L.T.A.C. Supply—Capacity in K.W. at Unity P.F.

Motor Generator Sets, A.C./D.C. Capacity in K.W. ..

Rotary Converters, A.C./D.C.—Capacity in K.W. ..

Rectifiers, A.C./D.C.—Capacity in K.W. ..

---

Total ..

---

**TOTAL of CONVERTING PLANT INSTALLED**

---

K. W. K. W.



**ELECTRIC MOTORS—**

- (a) DRIVEN BY ELECTRICITY GENERAT-  
ED in same works .. .. .  
(b) DRIVEN BY ELECTRICITY GENERAT-  
ED in other works under same ownership  
(c) DRIVEN BY ELECTRICITY PURCHAS-  
ED .. .. .

---

Total ..

---

**TOTAL OF ELECTRIC MOTORS INSTALLED****ENERGY COSTS**

As. ps. As. ps

- (a) Operating cost per B.H.P. Hr. Mechanical  
energy generated by Prime Movers on  
the premises.  
(b) Operating cost per K.W.H. (Unit) electrical  
energy generated on premises.  
(c) Cost per K.W.H. received from other works  
under same ownership  
(d) Cost per K.W.H. purchased

**3. CONSUMPTION OF ENERGY.**

- |                                                    |              |                                                            |
|----------------------------------------------------|--------------|------------------------------------------------------------|
| (a) Mechanical Energy used on the premises         | B.H.P. Hr... | YEAR REVIEWED.<br>For the year end-<br>ing the 31st March. |
| Electrical energy used on the premises             |              |                                                            |
| (b) Generated on the premises                      | K.W.H...     |                                                            |
| (c) Received from other works under same ownership | K.W.H...     |                                                            |
| (d) Purchased                                      | K.W.H...     |                                                            |

**TOTAL ELECTRICAL ENERGY USED K.W.H...**

---



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**1. POWER EQUIPMENT.**—Returns should give particulars of the Prime Movers, Electric Generators and Electric Motors (exclusive of Motor Generators, Converters and Transformers)

in their works classifying the Prime Movers by kinds, the Electric Generators according to the kind of Prime Mover by which they are driven and the Electric Motors according as they are driven by purchased electricity or by electricity generated in the factory's own works. For Prime Movers, returns should state the total EFFECTIVE horsepower; for generators, the total kilowatt capacity ; and for Electric Motors, the total rated horse power ; obsolete engines, engines of motor vehicles and locomotives should not be included.

In recording the particulars of engines in their works, returns should show separately those ordinarily in use in the year under review and those in reserve or idle. These terms are intended to cover respectively engines in use for the greater part of the year, even though not working to their full capacity, and engines not in use, or only in use occasionally or during period of breakdown to machinery ordinarily in use during the year under review.

2. ENERGY COST.—This should include the cost of fuel lubricating oil and other stores repairs, maintenance, water, supervision, inspection and fixed charges, i.e., interest at 4 per cent. on the entire equipment and depreciation allowed under the Indian Income-tax Act, 1922, as also the wages and Salaries of Power House Staff employed in generating power.

3. CONSUMPTION OF ENERGY.—Returns should state the total quantity of electrical energy used in the year distinguishing electrical energy generated in the factory's own works from electrical energy purchased.

A power producing concern should not fill up this section but Section II above.

## SECTION V

(A.)

### Industrial Employment

Year	No. of Administrative Staff (Monthly rated)	Salaries paid to Administrative staff during 12 months	No. of Industrial employees (Daily rated)	Wages paid to Industrial employees during 12 months	Total Staff	Total amount paid
For the year ending the 31st March						
Adults						
	Male	...				
	Female	...				
Adolecents						
Children						
<hr/>						
Total	...	...	...	...	...	...

For the year ending 31st March.  
One Shift. Two Shifts. Three Shifts.

\*Number of days worked in the year :—

January	..	..	..	..	..
February	..	..	..	..	..
March	..	..	..	..	..
April	..	..	..	..	..
May	..	..	..	..	..
June	..	..	..	..	..
July	..	..	..	..	..
August	..	..	..	..	..
September	..	..	..	..	..
October	..	..	..	..	..
November	..	..	..	..	..
December	..	..	..	..	..

\*See Note No. 2 of General Instructions.

A. 1. ADMINISTRATIVE STAFF.—Particulars required refer both to the factory as also to the administrative office which directs the factory.

2. NUMBER OF PERSONS EMPLOYED.—

(a) "Adult" means—a person who has completed his 17th year of age.

(b) "Adolescent" means—a person who has completed his 15th year but not his 17th year of age.

(c) "Child" means—a person who has not completed his 15th year of age.

3. Salaries should include all payments made by the employers whether as allowances, bonuses or contributions to a provident fund or payment of income-tax. Wages should include bonuses and payment of overtime and similar payments.

8. Where only a few departments are working two or three shifts, their particulars, including the number employed, should be indicated.

Dated the

day of

194 .

(Signed)

(To be signed by the Managing Agent or any other principal officer of the factory).

To—The Statistics Authority,  
Old Custom House Yard, Fort, BOMBAY.

## The Industrial Statistics Acts, 1942

### NOTIFICATIONS.

No. 4190/33 (a) In exercise of the powers conferred by Clause (a) of Sub-section (1) of Section 3 of the Industrial Statistics Act, 1942 (XIX of 1942) the Government of Bombay is pleased to direct that statistics shall be collected relating to any matter connected with the production of any articles or things in factories in the Province of Bombay.

(Vide G. of B. Gaz. Part IVA p. 53 of 8-4-43.,

No. 490/33(b).—In exercise of the powers conferred by section 4 of the Industrial Statistics Act, 1942 (XIX of 1942) the Government of Bombay is pleased to appoint the Director of Industries, Bombay to be the Statistics authority for the purposes of the collection of statistics relating to any matter connected with the production of any articles or things in Factories in the Province of Bombay.

(Vide G. of B. Gaz. Part IVA p. 53 of 8-4-43.,

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## Labour Recruitment Control Order, 1944

New Delhi, the 18th November 1944.

No. L-MP. 14/104.—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to make the following Order:—

1. (1) This Order may be called the Labour Recruitment Control Order, 1944.

(2) It extends to the whole of British India.

(3) It shall come into force on the 18th of December 1944.

2. In this Order, unless there is anything repugnant in the subject or context,

(1) "Contractor" includes any person who supplies, or agrees to supply, labourers to another person or to Government ;

(2) "Controlled district" means any of the following districts, namely :—

Bankura	}	In Bengal.
Birbhum		
Burdwan		
Manbhum	}	In Bihar.
Hazaribagh		
Santal Parganas		
Bilaspur	}	In the Central Provinces
Raipur		
Drug		

(3) "Controller" means, in relation to any controlled district, the District Magistrate of that district and includes any other officer authorised by the Provincial Government or the District Magistrate to perform all or any of the functions of the controller under this Order ;

(4) "form" means a Form appended to this Order ;

(5) "labourer" means a person working on wages not exceeding three rupees a day, but does not include a clerk, domestic servant, or mechanic.

(6) "to recruit labour" means the engagement in any controlled district of labourers for employment on any work outside that district but does not include recruitment for enlistment in the armed forces.

3. No contractor or other employer of labour shall by himself or another recruit labour in any controlled district except under and in accordance with the terms of a valid licence in Form A issued by the Controller of that district.

4. There shall be payable in respect of every licence in Form A a licence fee of rupees ten.

5. Every application for a licence in Form A shall be made to the Controller in Form B giving all the particulars called for therein.

6. A Controller may in his discretion accept or reject any application for a licence :

Provided that if he rejects any such application, he shall record in writing his reasons for doing so and communicate them to the applicant.

7. A controller may in his discretion cancel or suspend any licence in Form A granted by him :

Provided that he shall record in writing his reasons for doing so and communicate them to the licensee.

8. Any person whose application for a licence has been rejected under clause 6 or whose licence has been cancelled or suspended under clause 7 may within 30 days of the date on which the Controller's order is communicated to him, appeal against that Order to such authority as may be specified by the Central Government in this behalf and the decision of that authority on such appeal, and subject only to that decision the Controller's order, shall be final.

9. Every person holding a licence in Form A shall submit to the Controller concerned a monthly return in Form C, giving all the particulars called for therein so as to reach the Controller not later than the 10th day of each month, and shall also furnish him with such further information as he may require from time to time.

FORM 'A'

(See Clause 3)

Licence under the Labour Recruitment Control Order, 1944 ..... (Full name and address) ..... is hereby licensed to recruit labour in the..... district to the extent and for the works specified below:—

Number of labourers that may be recruited during

	Name of work.	the period of licence	any calendar month.
1.			
2.			
3.			
4.			

This licence shall be valid for a period of six months from the date given below ; unless it is cancelled earlier by order of the Controller.

.....  
.....

(Signature and designati

(Place and date).

# LABOUR AND FACTORY LEGISLATION

## FORM 'B'

(See Clause 5)

### Application for licence under the Labour Recruitment Control Order, 1944.

1. Name of applicant.
2. Father's name.
3. Residence.
4. Name and location of work(s) for which labour is proposed to be recruited and number of labourers proposed to be recruited in respect of each work.
5. Terms of remuneration and employment of labourers proposed to be recruited.
6. Number and date of any previous licence held in the same district.

Signature.....

## FORM 'C'

(See Clause 9)

### Return for the month 194 . Under the Labour Recruitment Control Order 1944.

1. Name in full of licensee.
2. Number and date of licence.
3. Designation of the Controller issuing the licence.
4. Number of labourers recruited during the month under the licence.
5. Work or Works and their location for which labour was engaged showing separate particulars.
6. Number and date of my previous licence held in the .....

.....  
.....

the case of sliding doors, be constructed so as to open outwards, or where the door is between two rooms, in the direction of the nearest exit from the building, and no such door shall be locked or obstructed while any work is being carried on in the room.

**Precautions against fire.**

22. In every factory such precautions against fire shall be taken as may be prescribed.

**Means of escape.**

23. (1) Every factory shall be provided with such means of escape in case of fire as may be prescribed.<sup>1</sup>

(2) If it appears to the Inspector that any factory is not so provided, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3). The means of escape shall not be obstructed while any work is being carried on in the factory.

**Fencing.**

24. (1) In every factory the following shall be kept adequately fenced, namely:—

- (a) every exposed moving part of a prime mover and every flywheel directly connected to a prime mover,
- (b) every hoist or lift, hoist-well or lift-well, and every trap-door or similar opening near which any person may have to work or pass, and
- (c) every part of the machinery which the [Provincial Government]<sup>2</sup> may prescribe.

(2) If it appears to the Inspector that any other part of the machinery in a factory is dangerous if not adequately fenced, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

<sup>1</sup> These words were substituted for the words "as can reasonably be required in the circumstances of each factory" vide G. of B. Gaz. Part IV p. 103 of 5/5/44. India Act No. XIV of 1944.

<sup>2</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.



# The Mines Maternity Benefit, Act, 1941\*

## INDIA ACT No. XIX OF 1941

*An Act to regulate employment of women in mines for a certain period before and after child birth and to provide for payment of maternity benefit to them.*

WHEREAS it is expedient to regulate the employment of women in mines for a certain period before and after child birth and to provide for payment of maternity benefit to them ;

It is hereby enacted as follows :—

### Short title, extent and commencement.

1. (i) This Act may be called the Mines Maternity Benefit Act, 1941.
- (ii) It extends to the whole of British India.
- (iii) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

### Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,

- (a) "child" includes a still born child ;
- (b) "Chief Inspector," "Inspector," "employment," "mine," "owner" have the meanings assigned respectively, to these expressions in section 3 of the Indian Mines Act, 1923 ;
- (c) "manager" means the manager of the mine appointed in accordance with provisions of the Indian Mines Act, 1923 ;
- (d) "maternity benefit" means the payment referred to in section 5 ;
- (e) "prescribed" means prescribed by rules made under this Act.

### Prohibition of employment of, and work by, women during certain period.

3. No owner or manager of a mine shall knowingly employ a woman and no woman shall engage in employ-

ment in any mine during the four weeks following the day on which she is delivered of a child.

**Right to obtain leave of absence for pregnancy and after delivery.**

4. (i) if any woman employed in a mine who is pregnant gives notice either orally or in writing in the prescribed form to the manager of the mine that she expects to be delivered of a child within one month from the date of such notice, the manager shall permit her if she so desires to absent herself from work up to the date of her delivery and such absence shall be treated as a period of authorised absence of leave ;

Provided that the manager may, on undertaking to defray the cost of such examination, require the woman to be examined by a qualified medical practitioner or midwife, and if the woman refuses to submit to such examination or if certified after such examination as not pregnant or not likely to be delivered of a child within one month, he may refuse such permission.

- (ii) Any woman employed in a mine who is delivered of a child shall be permitted by the manager to absent herself from work for a period of 4 weeks from the date of her delivery, and her absence during such period shall be deemed to be authorised absence of leave if within seven days of her delivery she has given or sent to the manager notice of the delivery and of the date of the delivery.

**Right to and liability for payment of maternity benefit.**

5. Every woman employed in a mine who has been continuously employed in that mine or mines belonging to the owner of that mine for a period not less than 6 months preceding the date of her delivery shall if she complies with the conditions imposed by this Act be entitled to receive and the owner of the mine shall be liable to make to her, in accordance with the provisions of this Act, a payment

at the rate of 8 annas a day for every day<sup>1</sup> during 4 weeks immediately preceding and including the day of her delivery and for each of the four weeks following her delivery.

Provided<sup>2</sup> that no such payment shall be made for any day on which she attends work and received payment therefore during the four weeks preceding her delivery.

**Explanation.**

Period of casual absence as defined by rules made under section 15 or authorised absence on account of illness or leave shall count as employment in determining whether employment has been continued.

**Payment of bonus.**

6. (i) The Central Government may by rules made under section 15 provide that the woman entitled to maternity benefit under this Act shall, if at the time of her delivery she utilised the services of a qualified mid-wife or other trained person receive in addition to the maternity benefit due to her, bonus not exceeding in amount Rs. 3.

Provided that she shall not receive such bonus if at the place chosen by her for her confinement she would have been entitled free of charge to the services of a qualified mid-wife or other trained person provided by the owner of the mine.

- (ii) Such rules may further provide for the determination by the Provincial Government of the amount of the bonus, and of the qualification which shall be possessed by a qualified mid-wife and other trained person for the purpose of this section.

**Notice of delivery to be given to Manager.**

7. A woman entitled to maternity benefit under this Act, unless she has given the notice referred to in sub-section (1) of section 4, shall on being delivered of a child give notice of her delivery in the prescribed manner to the

<sup>1</sup> Words "on which she is absent from work owing to her confinement" were omitted vide India Act No. XVIII of 1943.  
<sup>2</sup> proviso added Ibid.

manager before the expiry of 7 days from the date of her delivery, and shall before the expiry of six months from such date furnish proof of the prescribed nature to the manager both of her delivery and of the date of her delivery ;

Provided that a woman giving notice under section 4 or this section may therein nominate a person for the purposes of sub-section (2) of section 9.

**Payment of Maternity Benefit.**

8. (i) Where a woman entitled to maternity benefit has given the notice referred to in sub-section (1) of section 4 and has obtained permission to absent herself from work up to the date of her delivery, the manager shall either at once or within 3 days pay to her maternity benefit for 4 weeks in advance.
- (ii) a woman entitled to maternity benefit who has been delivered of a child shall, on furnishing the proof referred to in section 7,
- (a) if she has received an advance payment under sub-section (1) be paid the balance of the maternity benefit due to her at the end of the fourth week from the date of her delivery or within 3 days of the furnished proof, whichever date is later ;
- (b) if she has received no such advance payment,
- (i) if the proof is furnished before the end of the fourth week from the date of delivery, be paid at once or within 3 days so much of the maternity benefit as is then due to her, and be paid balance at the end of the said fourth week;
- (ii) if the proof is furnished after the end of the fourth week from the date of delivery, be paid at once or within 3 days the whole amount of the maternity benefit due to her.

**Disposal of Maternity Benefit in case of death of woman entitled to receive it.**

9. If a woman entitled to maternity benefit who has re-

ceived an advance under sub-section (1) of section 8 dies before being delivered of the child, the advance shall not be recoverable.

(2) If a woman entitled to maternity benefit having been delivered of a child dies before payment of the maternity benefit, or, where an advance under sub-section (1) of section 8 has been made, of the balance of the maternity benefit due to her is made, the amount due to her up to date of her death shall, on the prescribed proof of the birth and date of the birth of the child and of the death and date of death of the woman being furnished at any time before the expiry of six months from the date of the delivery, be paid if the child is living to the person who undertakes the care of the child and if the child is not living to the person nominated by her under the proviso to section 7 or if she has made no such nomination to the legal representative of the deceased woman.

#### Prohibition of dismissal during or on account of absence from work owing to confinement.

10. (1) When a woman absents herself from work in accordance with section 3, or has obtained permission to absent herself in accordance with section 4, it shall be unlawful for the manager to dismiss her during or on account of such absence, to give notice of dismissal on such a day that the notice will expire during such absence.

(2) The dismissal of a woman at any time within six months before she is delivered of a child if the woman but for such dismissal would have been entitled to maternity benefit under this Act, shall not have the effect of depriving her of that maternity benefit if the Chief Inspector is satisfied that her dismissal was without sufficient cause.

#### Power of Chief Inspector or Inspector to direct payment to be made.

11. (1) Any woman claiming that maternity benefit to which she is entitled under this Act and any person claiming that a payment due under sub-section (2) of section 9 is improperly withheld may make a complaint to the Chief Inspector or any Inspector.

(2) On receipt of such complaint or on his own motion without any such complaint being made, the Chief Inspector or Inspector may make inquiry or cause an inquiry to be made and, if satisfied that a payment has been wrongfully withheld may direct payment to be made in accordance with his orders.

**Penalty for contravention of Act by a woman.**

12. Any woman who does any work for which she receives payment in cash or kind after she has been permitted under sub-section (1) of section 4 to absent herself from work, or who engages in employment in any mine in contravention of section 3, shall be punishable with fine which may extend to Rs. 10, and, if she is entitled to maternity benefit under this Act shall forfeit her right to any maternity benefit not already paid to her.

**Penalty for contravention of Act by owner or manager.**

13. (1) Any owner or manager of a mine who contravenes any provision of this Act for which no expressed penalty is provided, shall be punishable with fine which may extend to Rs. 500.

(2) The court imposing the fine may, if the contravention has resulted in depriving a woman of any maternity benefit due to her, order the whole or any part of the fine when paid to be applied in payment of compensation to the woman for any loss caused to her by the contravention of the provision on account of which the fine has been imposed and an appellate court or the High Court in exercise of its powers of revision may also make such order.

**Cognisance of cases.**

14. (1) No prosecution under this Act shall be instituted except by or with the sanction of the Chief Inspector.

(2) No court inferior to that of a Magistrate of the first class shall try an offence punishable under this Act or any rule made there under.

(3) Provided that in computing the delivery period of six months any time spent in obtaining the sanction of

the Chief Inspector required by section (1) shall be excluded.

**Power of Central Government to make rules.**

15. (1) The Central Government may subject to the condition of previous publication by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) require the maintenance of registers and records for the purposes of this Act and prescribe the form thereof.
- (b) prescribe the form of the notice referred to in section 4 and section 7, and require mines to supply copies thereof to women workers ;
- (c) regulate the examination of women under the proviso to sub-section (1) of section 4, and the grant of the certificates therein referred to ;
- (d) prescribe the nature of and the method of furnishing the proof referred to in section 7, section 8 and section 9 ;
- (e) regulate the manner of applying for and paying maternity benefit ;
- (f) assign duties to and regulate the powers of, the Chief Inspector and Inspectors, for the purposes of this Act.

(3) Any rule made under this section may provide that a contravention thereof shall be punishable with fine which may extend to Rs. 50.

**An abstract of this Act and the rules made thereunder to be exhibited in mines.**

16. (1) The manager of every mine in which women are employed shall cause an abstract in the local Indian language of the provisions of this Act and of the rules made thereunder to be exhibited in the mines in such manner that may come to the notice of every woman employed in the mine.

(2) For any contravention of the provision of this sec-

tion the manager shall be punishable with fine which may extend to Rs. 100.

**Power of Central Government to exempt mines from operation of Act.**

17. The Central Government may, by notification in the Official Gazette exempt any mine or class of mine from operation of this Act.

**Act binding on Crown.**

18. The provisions this Act shall be binding on the Crown.

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## Mines Maternity Benefit Act, 1941

### RULES, 1943.

No. M. 1285, dated New Delhi, the 7th January 1943.

In exercise of the powers conferred by section 6 and section 15 of the Mines Maternity Benefit Act, 1941 (XIX of 1941), the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (1) of section 15 of the said Act, namely :—

**Short title.**

1. These rules may be called the Mines Maternity Benefit Rules, 1943.

**Definitions.**

2. In these rules, unless there is anything repugnant in the subject or context,—

(a) "the Act" means the Mines Maternity Benefit Act, 1941 (XIX of 1941) ;

(b) "Form" means a form appended to these rules;

(c) "muster roll" means a muster roll maintained under rule 3 ;

(d) "section" means a section of the Act.

**Muster roll.**

3. (1) Every owner or manager of a mine in which women are employed shall prepare and maintain a muster roll and shall enter the following particulars in such muster roll, namely :—

(a) Name of mine.

(b) Name of woman and her father's (or, if married husband's) name ;

(c) Nature of her work.



- (d) dates with month and year in which she is employed and not employed ;
- (e) date on which the woman gives notice under sub-section (1) of section 4;
- (f) date of production of a medical certificate under the proviso to the said sub-section ;
- (g) date of birth of child ;
- (h) date on which the woman gives notice, if any, under section 7 ;
- (i) date of production of proof of birth ;
- (j) date of production, if any of proof of death of a woman worker ;
- (k) date with the amount of payment of first instalment of maternity benefit;
- (l) date with the amount of payment of subsequent instalment of maternity benefit;
- (m) date of payment of bonus, if any, under rule 12;
- (n) if the woman dies, the name of the person to whom maternity benefit was paid, the amount thereof, and the date of payment ;
- (o) name of the person nominated by the woman under the proviso to section 7;
- (p) remarks column for the use of the Inspector.

(2) All entries in the muster roll shall be made in ink and maintained up to date, and the Inspector may inspect it on the premises at any time during the working time of the mine.

(3) The employer may enter in the muster roll such other particulars as he may wish for any other purpose.

**Form of notice under section 4(1).**

4. The written notice referred to in sub section (1) of section 4 shall be in Form A.

**Form of notice under section 7.**

5. The notice referred to in section 7 shall be in Form B.

**Supply of forms.**

6. The manager shall supply to the woman, at her request, free of cost, copies of Forms A and B.

**Medical examination.**

7. (1) The qualified medical practitioner referred to in the proviso to sub-section (1) of section 4 shall be a female, if the woman so desires.

(2) The certificate referred to in the proviso to sub-section (1) of section 4 shall be in Form D.

(3) Medical practitioners and midwives referred to in these rules shall have qualifications not less than those qualified to assist at delivery for the purposes of section 6.

**Casual absence.**

8. For purposes of the explanation to section 5, absence from employment up to a maximum period of 26 days during the six months preceding the date of delivery shall be treated as casual absence.

**Proof.**

9. The fact that a woman has been confined or is dead shall be proved by the production either of a certificate to that effect from a qualified medical practitioner or of a certified copy of an extract from a birth and death register maintained under the provisions of any law.

**Payment of maternity benefit.**

10. (1) Payments against a claim of maternity benefit shall be made by the manager to the woman concerned, or to a person nominated by her in writing, or in case of her death to the person entitled to it under subsection (2) of section 9.

In case of doubt the amount may be paid by the manager to the Chief Inspector who shall pay it to the person who, in his opinion, is entitled to receive it.

(2) Whenever the payment referred to in sub-rule (1) is made, a receipt shall be obtained by the manager from the person to whom the payment is made in Form C. Where the amount has been paid to the Chief Inspector, the receipt shall be supplied to the manager by the Chief Inspector.

**Records.**

11. Records relating to the payments of maternity benefit kept under the provisions of the Act or these rules shall be preserved for a period of two years from the date of their preparation.

**Bonus.**

12. (1) Subject to the provisions of sub-section (1) of section 6, a bonus of three rupees shall be paid by the manager to the woman entitled to maternity benefit under the Act.

(2) Application for bonus shall be made by the woman entitled to maternity benefit within four weeks immediately following the day of delivery.

(3) The application referred to in sub-rule (2) shall be accompanied by a certificate from the qualified midwife or other trained person declaring that the woman worker utilized the services of that midwife or trained person.

(4) The qualifications to be possessed by qualified midwives and other trained persons for the purposes of section 6 shall be determined by the Provincial Government.

**Duties and powers of Chief Inspector and Inspectors.**

13. (1) The Chief Inspector shall have jurisdiction, and shall be responsible for the due administration of the Act and these rules, throughout British India.

(3) All fencing required by or under this section or under sub-section (1) of Section 26 shall be maintained in an efficient state at all times when the workers have access to the parts required to be fenced except where they are under repair or are under examination in connection with repair or are necessarily exposed for the purpose of cleaning or lubricating or altering the gearing or arrangements of the machinery.

(4) Such further provisions as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery in a factory.

**Power to require specifications of defective parts or tests of stability.**

25. If it appears to the Inspector that any building or part of a building, or any part of the ways, machinery or plant in a factory is in such a condition that it may be dangerous to human life or safety, he may serve on the manager of the factory an order in writing requiring him before a specified date—

- (a) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such building, ways, machinery or plant can be used with safety, or
- (b) to carry out such tests as may be necessary to determine the strength or quality of any specified parts and to inform the Inspector of the results thereof.

**Safety of buildings and machinery.**

26. (1) If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, he may serve on the manager of the factory an order in writing specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(2) If it appears to the Inspector that the use of any building or part of building or of any part of the ways,

- (2) Every Inspector shall be responsible for the due observance of the Act and these rules within the area assigned to him by the Chief Inspector.
- (3) The Chief Inspector and Inspectors shall have power, within their respective jurisdictions—
- (a) to require the production of, and to examine, such records as are maintained in the mine under the Act or these rules;
- (b) to make such enquiries and to require the production of such papers or documents as may be necessary for the purpose of ascertaining whether the provisions of the Act and of these rules have been or are being properly carried out in any mine; provided that he shall not require any owner or manager to answer any question, or give any evidence, tending to criminate himself.
- (4) Every notice given under sub-section (1) of section 4 or under section 7 and every receipt for maternity benefit or bonus paid to any person under the provisions of the Act or of these rules shall, on demand, be produced before the Chief Inspector or an Inspector.
- (5) Without prejudice to the generality of sub-rules (1) and (2), the Chief Inspector or an Inspector shall at each inspection of a mine see—
- (a) whether due action has been taken on every notice given under sub-section (1) of section 4 or under sub-section 4 or under section 7;
- (b) whether the muster roll prescribed by rule 3 is correctly maintained;
- (c) whether there have been any cases of dismissal or notice of dismissal in contravention of section 10 since the last inspection;
- (d) whether sections 3 and 8 and sub-section (1) of section 16 have been complied with.
- (6) An Inspector may issue orders in writing to the owner or manager asking for the correction of all irregularities against the Act or these rules noticed by him.
- Penalty.**
14. Any person who contravenes any of the provisions of rules 3, 6, 10, 11, 12 and 13 shall, on conviction be punishable with fine which may extend to fifty rupees.

# FORM A.

(See rule 4.)

Notice under section 4 (1) of the Mines Maternity Benefit

Act, 1941.

Name of owner of mine, employed as \_\_\_\_\_ at \_\_\_\_\_  
I, wife/daughter of \_\_\_\_\_ mine, hereby give

notice that I expect to be confined within one month next following from the date of this notice and that I will absent myself from the mine with effect from

\*2. For the purpose of section 9(2), I hereby nominate (name and full address of the nominee to be given) to receive maternity benefit due to me in case of my death.

Signature or thumb impression.

Signature of an attestor in case the woman is not able to sign, and affixes thumb impression.

Address

To

The Manager,

(name of mine and full postal address).

\*Strike out where not applicable.

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FORM B.

(See rule 5).

Notice under Section 7 of the Mines Maternity Benefit Act 1941.

Name of owner of mine I, wife/daughter  
of , employed as mine, hereby give notice  
that I gave birth to a child on the (date).

\*2. For the purpose of section 9(2), I hereby nominate (name and full address of the nominee to be given) to receive maternity benefit due to me in case of my death.

Given this day

Signature or thumb impression.

Signature of an attestor in case the woman is not able to sign, and affixes thumb impression.

Address

To

The Manager,

(name of mine and full postal address)

\*Strike out where not applicable.

FORM C.

[See rule 10(2).]

Form of receipt for maternity benefit.

Name of mine I, , the undersigned

\*a woman worker  
the nominee of woman worker  
acting on behalf of woman worker  
legal representative of woman worker deceased  
in (name of mine) at in  
district received maternity benefit under the Mines  
Maternity Benefit Act, 1941, from the manager of the mine  
referred to above, as detailed below :

\*Rs. , being the first instalment after the confinement  
paid on

Rs. , being the second instalment after the confine-  
ment paid on

\*Rs. , being the bonus under section 6 of the Act paid  
on.

\*My Confinement  
Her

took place on . In consequence I  
s' death

\*her nominee, or acting on her behalf  
, being her legal representative

have received the aforesaid amounts prescribed in section 5  
\*[and section 6] of the Mines Maternity Benefit Act, 1941.

Signature or left thumb impression of  
\*woman worker  
the nominee or the person working on behalf of the woman  
worker.  
the legal representative of the woman worker.

Signature of an attester in case the woman is not able to  
sign, and affixes thumb impression.  
Date

\*Unnecessary portions to be struck off.

## FORM D.

[See rule 7 (2).]

Certificate referred to in Section 4(1) of the Mines Maternity Benefit Act, 1941.

This is to certify that I examined \_\_\_\_\_ wife \_\_\_\_\_ of \_\_\_\_\_  
 a woman worker in \_\_\_\_\_ mine at \_\_\_\_\_ in the district of \_\_\_\_\_  
 on \_\_\_\_\_ (date) and \*found \_\_\_\_\_ that she is pregnant  
 and is expected to be delivered of a child within \_\_\_\_\_ (months  
and \_\_\_\_\_ days) from the above mentioned date.  
or

Signature, qualifications and  
 designation of medical practitioner or midwife.

Date

\*Strike out when not applicable.  
 \_\_\_\_\_

## Mines Maternity Benefit Act, 1941

## NOTIFICATIONS.

No. M1285 (1), dated New Delhi, the 24th December 1942.

In pursuance of sub-section (3) of section 1 of the Mines Maternity Benefit Act, 1941 (XIX of 1941), the Central Government is pleased to appoint the 28th December 1942 as the date on which the said Act shall come into force.

No. M1285 (2), dated New Delhi, the 24th December 1942.

In exercise of the powers conferred by section 17 of the Mines Maternity Benefit Act, 1941 (XIX of 1941), the Central Government is pleased to exempt from the operation of the said Act, the mines, classes of mines, and parts of mines specified in the first column of the annexed Schedule subject to the conditions, if any, specified in the corresponding entry in the second column thereof.

## SCHEDULE

Mines and classes exempted.

Conditions attached to  
 exemption.

1

2

- |                                                                                                                                                                  |                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Mines or parts of mines in which excavation is being carried out for prospecting purposes only and not for the purpose of obtaining minerals for use or sale. | Provided that—<br>(i) Not more than 20 persons are employed in or about such excavation;<br>(ii) no part of the excavation extends beneath the superjacent ground; and |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

(iii) the depth of the excavation measured from its highest to its lowest point nowhere exceeds 20 feet or, in the case of an excavation for coal, 50 feet.

2. Iron-ore mines worked without mechanical power, the whole of the ore from which is supplied locally to village smelters and black-smiths.
3. The following mines in the Province of Bombay, namely :—

Stone Crushing plants forming part of the mines included in the Appendix to this Schedule or situated in the Town and Island of Bombay.

APPENDIX

No.	Name of Mine.	Name of owner.	Village.	Situation Sub-division.	District
BOAMAY Stone Mines					
1	Danda Government Quarry.	Government of Bombay, Revenue Department.	Danda	South-Salsette	Bombay Suburban
2	Danda Municipal Quarry.	Bandra Municipality	Do.	Do.	Do.
3	Sevalia	B.B.&C.I. Railway	Sevalia	Thasra	Kaira
4	Orwad	Walji Bhimji	Orwad	Bulsar	Surat
5	Khadki	Arjun Mavji	Khadki	Do.	Do.
6	Motiwada	Jaganji Dayabhai Patel.	Motiwada	Do.	Do.
7	Ratiao	B.B.&C.I. Railway	Ratiao	Do.	Do.
8	Kachora	G. I. P. Railway	Kachora	Kalyan	Thana
9	Anik	Bombay Port Trust	Anik and Mohul	Do.	Bombay Suburban
10	Virar	B.B.&C.I. Railway	Virar	Bassein	Thana
11	Kandivli	Government of Bombay, Public Works Department	Kandivli	Salsett	Bombay Suburban
12	Kandivli	Government of Bombay, Revenue Department.	Do.	Do	Do.
13	Malad	Do.	Malad	Do.	Do.
14	Gilbert Hill (Andheri)	Government of Bombay	Andheri	Andheri	Do.
15	Sevalia	Trikhundas Harji	Sevalia	Thasra	Kaira
16	Dekor (Jakhar-khandi)	B.B.&C.I. Railway	Ralchial Jakhar and Kalscar.	Do.	Do.

Vide G. of B. Gazett, Part IV C. P. 20-21 of 21-1-43.



No. LI.-1896, dated New Delhi, the 24th November 1943.

In pursuance of sub-rule 12 of the Mines Maternity Benefit Rules, 1943,\* the Central Government is pleased to direct that the following qualifications are to be possessed by midwives for the purposes of section 6 of the Mines Maternity Benefit Act 1941, within the Chief Commissioners' Provinces :—

- (i) They must have taken a course of training and instruction for at least two years in midwifery and gynaecology in a recognised maternity Hospital or Home, and have passed thereafter a qualifying examination and obtained a certificate in midwifery ; or
  - (ii) They must be registered under the provision of the British Midwives Act, 1902, or any law relating to midwives in force in the Province ; or
  - (iii) They must possess such other equivalent qualifications as may be accepted by the Central Government.
- (Vide G. of B Gaz. Part IV-C p. 1137 16-12-43).

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## The National Service (Technical Personnel) Ordinance, 1940

### ORDINANCE No. II of 1940.

(As amended by Ordinance Nos. II of 1940 and 6 of 1942).

*An Ordinance to give power to control the employment and distribution of technical personnel in British India.*

WHEREAS an emergency has arisen which renders it necessary to take power to require industrial undertakings to release technical personnel for employment in factories under the Crown or declared to be engaged on work of national importance, and to require technical personnel to undertake employment in any such factory ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

**Short title, extent and commencement.**

1. (1) This Ordinance may be called the National Service (Technical Personnel) Ordinance, 1940.

(2) It extends to the whole of British India, and applies also to<sup>1</sup> British subjects in any part of India.

(3) It shall come into force at once.

**Definitions.**

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

<sup>2</sup>[ (a) “technical personnel” includes all persons normally employed, or declared by a Tribunal to be normally employed, in any of the capacities specified in the Schedule, and any such person, or class of persons undergoing training in any such capacity, as may be declared by the Central Government by notification in the Official Gazette to be technical personnel for the purposes of this Ordinance; but does not include any person who is not liable under section 3 to undertake employment in the national service;]

(b) “factory” means a factory as defined in clause (j) of section 2 of the Factories Act, 1934; <sup>1</sup>[and includes any place deemed to be a factory in pursuance of a declaration made under subsection (1) of section 5 of that Act];

(c) “Indian British subject” means any subject of His Majesty in India except a British subject of European descent in the male line born, naturalised or domiciled in the British Islands or in any Dominion as defined in the Statute of Westminster, 1931, or in any colony except Ceylon;

<sup>2</sup>[ (d) “industrial undertaking” means—

(i) any concern engaged in—

<sup>2</sup> The word “Indian” omitted by s. 2 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

<sup>2</sup> Subst. for the original clause, by s. 3, *ibid.*

<sup>1</sup> Added by s. 3 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

<sup>2</sup> Subst., *ibid.*

- (a) the manufacture or production of any article or commodity,
- (b) the supply or distribution of light, power or water,
- (c) the supply or maintenance of any form of mechanised transport;
- (ii) any concern engaged in installing equipment or erecting premises for the purposes of or preparing and producing designs for or testing the products of any concern of the nature specified in sub-clause (i) ;
- (iii) any training establishment ;
- (iv) any other undertaking which the Central Government may, by general or special declaration notified in the Official Gazette, declare to be an industrial undertaking ;]
- <sup>2</sup>[(e) "employment in the national service" means employment undertaken in pursuance of an order passed under clause (b) or clause (c) of sub-section (1) of section 7 or under clause (b) of sub-section (1) or sub-section (2) of section 10 ;]
- (f) "notified factory" includes any factory under the Crown and any factory declared by notification <sup>1</sup>[or order in writing] under section 4 to be engaged on work of national importance ;
- (g) "prescribed" means prescribed by rules made under this Ordinance ;
- (h) "Special Tribunal" means a Special Tribunal constituted by the Central Government under section 12 ;
- <sup>2</sup>[(i) "technical post under the Crown" means any post under the Crown the holder of which is required to possess a knowledge of one or more of the trades <sup>1</sup>[or occupations] specified in the Schedule ;

<sup>1</sup> Inserted by section 3 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

<sup>2</sup> Ins. by s. 2 of the National Service (Technology Personnel) Amendment Ordinance, (1942) (11 of 1940).

(j) "training establishment" means any technical institution or training centre in British India\* established, selected or approved by the Central Government for the training of technical personnel; or in such institution or centre in an Indian State so established; selected or approved with the consent of the State;

<sup>3</sup>[(k) "Tribunal" means a National Service Labour Tribunal constituted by the Central Government under section 5.

3. All technical personnel over the age of seventeen and under the age of fifty years, being Indian British subjects, or being subjects of an Indian State resident for the time being in British India or being <sup>4</sup>[Asiatic immigrants from any Asiatic territory outside India notified in this behalf by the Central Government in the Official Gazette], and not being members of His Majesty's regular Naval, Military or Air Forces, or members of any Reserve of any such Force, who are liable under their terms of service in such Reserve to be called up for service at any time and not only on partial or general mobilization, shall be liable under this Ordinance to undertake employment in the national service:

"Provided that no subject of an Indian state resident for the time being in British India for a temporary purpose other than that of undergoing training at a training establishment shall be so liable, and no person in the service of the Crown shall be so liable except with the written consent of the Government under which he is serving."

#### Notified Factories.

4. (1) The Central Government may, by notification in the Official Gazette, <sup>1</sup>[or by order in writing], declare any factory, which is engaged in the production of munitions or other war supplies or in work which, in the opinion

\* Words added by National Service (Technical Personnel) Second Amendment Ordinance II of 1942.

<sup>3</sup> Original clause (i) re-lettered (k), *ibid.*

<sup>4</sup> Ins. by s. 4 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

<sup>1</sup> Ins. by s. 5 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

of the Central Government, is likely to assist the efficient prosecution of the war, to be a factory engaged on work of national importance, and thereupon such factory shall be a notified factory.

(2) <sup>2</sup>[Every notified factory, training establishment or department under the Crown shall be eligible to apply in the prescribed form], to a Tribunal or to the Central Government for technical personnel <sup>3</sup>[and, having so applied, shall take into its employment such technical personnel within such period and on such terms and conditions as the Tribunal or the Central Government, as the case may be, may direct.]

<sup>4</sup>[(3) The Central Government may, as a condition of declaring or of continuing to recognise any factory as a notified factory, by general or special order, require that the factory shall make such provision as may be specified in the order in regard to the terms of service and conditions of work of its employees or for affording technical instruction and training.]

#### National Service Labour Tribunals.

5. (1) The Central Government shall constitute for such areas and in such places as it thinks fit National Service Labour Tribunals (in this Ordinance referred to as Tribunals) to exercise the functions assigned to such Tribunals by this Ordinance.

(1A) the Central Government may empower the Tribunal instituted in a particular area to exercise in relation to British subjects in Indian States or group of Indian states or in any territory in Indian States in which jurisdiction is exercised by His Majesty through a Crown representative the functions assigned to such tribunals by this Ordinance."

"(2) A tribunal shall consist of not less than 3 members appointed by the Central Government of whom one shall be designated as chairman and of whom majority shall be servants of the Crown :

<sup>2</sup> Subst., *ibid.*

<sup>3</sup> Added by s. 3 of the National Service (Technical Personnel) Amendment Ordinance, 1940 (11 of 1940).

<sup>4</sup> Added by s. 5 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

machinery or plant in a factory involves imminent danger to human life or safety, he may serve on the manager of the factory an order in writing prohibiting its use until it has been properly repaired or altered.

**Restrictions on work near machinery in motion.**  
27. (1) No woman or child shall be allowed to clean or oil any part of the machinery of a factory while that part is in motion under power, or to work between moving parts or between fixed and moving parts of any machinery which is in motion under power.

(2) The [Provincial Government]<sup>1</sup> may, by notification in the [Official Gazette]<sup>2</sup>, prohibit, in any specified factory or class of factories, the cleaning or oiling by any person of specified parts of machinery when these parts are in motion under power.

**Power to exclude children.**

28. (1) The [Provincial Government]<sup>1</sup> may make rules prohibiting the admission to any specified class of factories, or to specified parts thereof, of children who cannot be lawfully employed therein.

(2) If it appears to the Inspector that the presence in any factory or part of a factory of children who cannot be lawfully employed therein may be dangerous to them or injurious to their health, he may serve on the manager of a factory an order in writing directing him to prevent the admission of such children to the factory or any part of it.

**Prohibition of employment of women and children near cotton-openers.**

29. No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work :

Provided that, if the feed-end of a cotton-opener is in a room separated from the delivery end by a partition ex-

<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "Local Official Gazette," *ibid.*

Provided that for the purposes of this sub-section officers of company managed railways shall be deemed to be servants of the Crown."

"(2A) a person, other than a servant of the Crown shall be disqualified for appointment as a member of a Tribunal if he is connected with the management or operation of any industrial undertaking situated within jurisdiction of the Tribunal."

<sup>1</sup>[ (3) Any two members of the Tribunal shall constitute a quorum.]

<sup>2</sup>[ (4) A Tribunal shall have power to associate with itself in its deliberations such other persons as it thinks fit under such conditions as may be prescribed.

<sup>2</sup>[ (5) A Tribunal may meet at such times and places as it thinks fit and shall meet when required to do so by the Central Government.

<sup>2</sup>[ (6) A Tribunal shall have the powers of a Civil Court for the purpose of recording evidence, administering oaths, enforcing the attendance of witnesses and compelling the discovery and production of documents, and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 <sup>3</sup>[and a court for the purposes of clause (aa) of the proviso to section 200 of that Code.]

<sup>4</sup>[ (7) ] A Tribunal may order any person, included within the definition of technical personnel, to submit himself to be examined by such medical authority as may be prescribed.

<sup>5</sup>[ (8) A Tribunal may, subject to the prescribed conditions and limitations, delegate to its chairman any of its functions].

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<sup>1</sup> Subst. by s. 6 of the National Service (Technical Personnel) Amendment Ordinance 1942 (6 of 1942).

<sup>2</sup> The original sub-sections (4), (5), and (6), and (7) were re-numbered respectively (4), (5) and (8), by s. 4 of the National Service (Technical Personnel) Amendment Ordinance, 1940 (11 of 1940).

<sup>3</sup> Added by s. 6 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

<sup>4</sup> The original sub-section (8) re-numbered (7) by s. 4 of the National Service (Technical Personnel) Amendment Ordinance, 1940 (11 of 1940.)

<sup>5</sup> Added by s. 6 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

## Enquiries by Tribunals.

6. <sup>6</sup>[(1) A Tribunal may, subject to any rules made in this behalf under section 19, take steps to ascertain particulars of the technical personnel employed in any industrial undertaking (including a notified factory), the suitability of such personnel for employment in the national service, and the capacity of the undertaking to release such personnel or any part thereof for such employment having regard to the nature of the work in which such personnel or part is engaged.].

(2) For the purposes of sub-section (1), the Tribunal may—

- (a) summon the owner or manager of any industrial undertaking or any employee of such undertaking to appear before it and furnish such information as it may require,<sup>1\*</sup>
- (b) authorise one of its members <sup>2</sup>[or an Inspector appointed by it] to enter upon and inspect any premises occupied by such undertaking and call for any information whether documentary or otherwise which appears to it to be necessary.
- <sup>3</sup>[(c) authorise <sup>2</sup>[an Inspector appointed by it or] any person who belongs to the managerial or supervisory class of technical personnel to enter upon any premises occupied by such undertaking and test the technical skill of such persons as the Tribunal may by order in writing direct, and
- (d) require any industrial undertaking to afford such facilities as the Tribunal may specify for testing the skill of any technical personnel whether such personnel is employed by such undertaking or not,] and the owner or manager of the industrial undertaking and any employee of such undertaking shall comply with

<sup>6</sup> Subst. by s. 5 of the National Service (Technical Personnel) Amendment Ordinance, 1040 (11 of 1940).

<sup>1</sup> The word "and" omitted by section 5 of the National Service (Technical Personnel) Amendment Ordinance, 1940 (11 of 1940).

<sup>2</sup> Ins. by s. 7 of the National Service (Technical Personnel) Amendment Ordinance, 1042 (6 of 1942).

<sup>3</sup> Ins. by 5 of the National Service (Technical Personnel) Amendment Ordinance, 1040 (11 of 1940).



any requisition made in this behalf by or under authorisation from the Tribunal.

**Release, disposal and training of technical personnel by order of Tribunal.**

<sup>4</sup>[7. (1) Subject to any rules made in this behalf under section 19, a Tribunal may, order in the prescribed form,—

- (a) require the owner or manager of any industrial undertaking to release such technical personnel as it may specify for employment in the national service.
- (b) direct any technical personnel to undertake employment in the national service in any notified factory or training establishment within the limits of its jurisdiction, or in any factory or technical post under the Crown in any part of British India.
- (c) transfer technical personnel engaged in employment in the national service from one form or place of employment in such service to another within the limits of its jurisdiction, or to another form or place of employment in any factory or technical post under the Crown in any part of British India."
- (d) direct technical personnel, whether employed or unemployed to present themselves at such place and time as may be specified in the order for interview or inquiry and, if so required, for submission to a test of their technical skill, }
- (e) require the owner or manager of any industrial undertaking (other than an undertaking under the Crown) to provide training for such numbers of persons as technical personnel on such terms and conditions as may be specified in the order.

and such order shall be complied with within such period or on such date as may be specified in the order.

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<sup>4</sup> Subst. by s. 8 of the National Service (Technical Personnel) Amendment Ordinance, 1942, (6 of 1942).

(2) No person included in the definition of technical personnel, who has been directed under sub-section (1) to undertake employment in the national service, shall be discharged from or leave his employment in such service unless the employer or the person concerned, as the case may be, has previously obtained the permission in writing of the Tribunal.]

**Terms of service of technical personnel in notified factories.**

8. The terms of service of technical personnel taken into employment in the national service in a notified factory <sup>1</sup>[, training establishment or technical post under the Crown]in pursuance of any order passed <sup>2</sup>[under clause (b) or clause (c) of sub-section (1) of section 7] shall be laid down by the Tribunal in each case subject to such conditions as may be prescribed, and such conditions may provide for the preservation of any rights which such technical personnel may have under any provident or superannuation fund or other scheme for the benefit of employees maintained by the undertakings from which they are released.

**Appeals.**

9. An appeal shall lie to the Central Government against any order passed by a Tribunal under <sup>1</sup>[clause (a) <sup>2</sup>[clause (b), clause (c) or clause (e) of sub-section (1) of section 7] or under] section 8 and the decision of the Central Government shall be final.

**Power of Central Government in respect of technical personnel.**

10. (1) The Central Government may require a Tribunal to report what technical personnel, whether employed in industrial undertakings or otherwise is available within its jurisdiction for employment in the national ser-

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<sup>1</sup> Ins. by s. 9 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

<sup>2</sup> Subst., *ibid.*

<sup>1</sup> Subst. by s. 7 of the National Service (Technical Personnel) Amendment Ordinance 1940 (11 of 1940).

<sup>2</sup> Subst. by s. 10 of the National Service (Technical Personnel) Amendment Ordinance, 1942, (6 of 1942).

vice, and may, <sup>3</sup>[whether or not a Tribunal has been so required to report]<sup>4</sup> \* \*, by order in writing,—

<sup>3</sup>[(a) require any industrial undertaking by which technical personnel 'is employed to release such personnel as may be specified in the order for employment in the national service] ;

(b) direct <sup>5</sup>[any technical personnel] to <sup>6</sup>[undertake such employment in the national service as] may be specified in the order.

<sup>3</sup>[(b) direct that any technical personnel engaged in an industrial undertaking under conditions not amounting to employment in the national service shall, for the purposes of sub-section (3), be deemed to have been taken into employment in the national service;]

<sup>7</sup>[and

(c) require any notified factory, notwithstanding that it has not made any application under sub-section (2) of section 4, to take into its employment such technical personnel within such period as may be specified in the order.] ;

<sup>1</sup>(2) The Central Government may, by order in writing, transfer technical personnel from one form or place of employment in the national service to another, and the employer and the personnel concerned shall comply with such order.] ;

(3) The terms of service of technical personnel taken into employment <sup>2</sup>[in the national service] in pursuance of an order made under sub-section (1) or transferred under sub-section (2) shall, subject to the conditions prescribed

<sup>3</sup> Ins. by s. 11, *ibid*.

<sup>4</sup> The words "after consultation with the Tribunal" omitted by s. 8 of the National Service (Technical Personnel) Amendment Ordinance, 1940 (11 of 1940).

<sup>5</sup> Subst. by s. 11 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

<sup>6</sup> Subst. by s. 8 of the National Service (Technical Personnel) Amendment Ordinance 1940 (11 of 1940).

<sup>7</sup> Added, *ibid*.

<sup>1</sup> Subst. by s. 11 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

<sup>2</sup> Ins. by s. 8 of the National Service (Technical Personnel) Amendment Ordinance, 1940 (11 of 1940).

for the purposes of section 8 be laid down by the Central Government 3\* \* \* \*

(4) The Central Government may order any person who is required under sub-section (1) to undertake employment in <sup>4</sup>[the national service], or who is transferred under sub-section (2) from one <sup>5</sup>[form or place of employment] to another, to submit himself to be examined by such medical authority as may be prescribed.

6\* \* \* \* \*

<sup>7</sup>[(5) No person included in the definition of technical personnel who has been directed <sup>8</sup>[under sub-section (1) or sub-section (2) to undertake employment in the national service 9\* \* \* shall be discharged from or leave his employment 9\* \* \* \* unless <sup>10</sup>[the employer] or the person concerned, as the case may be, has previously obtained the permission in writing of the Central Government.]

**Release of technical personnel for employment overseas or in His Majesty's Forces.**

<sup>11</sup>[10A. (1) Where a person included in the definition of technical personnel is willing to undertake employment in any of the capacities specified in the Schedule in His Majesty's Forces or outside India, and the Central Government is satisfied that such person would if released be taken into such employment and, in the case of employment outside India, that the employment to be undertaken is of national importance, the Central Government may by order in writing require the owner or manager of any industrial undertaking by which such person is for the time being employed to release him for such employment.

(2) Subject to any rules made in this behalf under section 19, a Tribunal may exercise the powers conferred on the Central Government by sub-section (1) in respect

3 Certain words omitted by s. 11 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

4 Subst. by s. 8 of the National Service (Technical Personnel) Amendment Ordinance, 1940 (11 of 1940).

5 Subst. by s. 11 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

6 Sub-section (5) omitted, *ibid.*

7 Original sub-section (6) renumbered, *ibid.*

8 Ins., *ibid.*

9 Certain words omitted, *ibid.*

10 Subst., *ibid.*

11 Ins. by s. 12, *ibid.*

of technical personnel employed in any industrial undertaking other than an undertaking under the Crown.

(3) For the purposes of section 11, a person who has been released on a requirement under this section shall be deemed to have been released for employment in the national service.]

**Reinstatement.**

11. (1) It shall be the duty of any employer by whom a person, who has been released for employment in the national service on the requirement of a Tribunal or the Central Government, was employed otherwise than in a probationary or temporary capacity to reinstate him in his former employment on the termination of that service in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been so released for employment in the national service ;

Provided that, if the employer refuses to reinstate such person, or denies his liability to reinstate such person or if for any reason the reinstatement of such person in represented by the employer to be impracticable, either party may refer the matter to a Special Tribunal and the Special Tribunal shall after due consideration pass an order either exempting the employer from the provisions of this subsection or requiring him to re-employ such person on such terms as it thinks suitable or to pay to such person a sum in compensation for failure to re-employ him not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer.

(2) If any employer fails to obey an order passed by a Special Tribunal under the proviso to sub-section (1), he shall be punishable with fine which may extend to one thousand rupees, and the Court by which he is convicted may, in addition to any other penalty, order him (if he is not already so required by the Special Tribunal) to pay the person whom he has failed to re-employ a sum not exceeding an amount equal to six months' remuneration at the

rate at which his last remuneration was payable to him by the employer ; and any amount so required by the Special Tribunal to be paid, or so ordered by the Court to be paid, shall be recoverable as if it were a fine imposed by such Court:

Provided that in any proceedings under this sub-section it shall be a defence for an employer to prove that the person formerly employed by him did not apply to him for reinstatement within a period of two months from the termination of the employment in the national service for which such person was released.

“(3) The duty imposed by sub-section (1) upon an employer to reinstate in his employment a person such as is described in that sub-section shall attach to an employer who, before such person is actually released for or taken into employment in the national service, terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section, and such intention shall be presumed until the contrary is proved if the termination of the employment takes place after the issue of an order of requirement by the Tribunal or the Central Government for the release of such person for employment in the national service or after the issue of a direction to such person under clause (d) of sub-section (1) of section 7.”

#### **Special Tribunal.**

12. (1) The Central Government shall constitute for such areas and in such places as it thinks fit Special Tribunals to hear and decide any matters referred to it under the proviso to sub-section (1) of section 11.

(2) A Special Tribunal shall consist of three members to be nominated by the Central Government, of whom one, who shall be chairman of the Special Tribunal, shall be a member of the civil service of the Crown not lower in status than a District and Sessions Judge.

(3) No person serving as a member of a Tribunal shall, while so serving, be a member of a Special Tribunal.

(4) A Special Tribunal may meet at such times and

places as it thinks fit and shall meet when required to do so by the Central Government.

"(4A) At any meeting of a Special Tribunal, the Chairman and any other member of the Special Tribunal shall constitute a quorum."

(5) A Special Tribunal shall have the powers of a Civil Court for the purpose of receiving evidence, administering oaths, enforcing the attendance of witnesses and compelling the discovery and production of documents, and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure 1898.

**Relinquishment of employment by, dismissal of, and engagement by industrial undertakings of, technical personnel.**

13. (1) <sup>1</sup>[Subject to any rules made in this behalf under section 19 a Tribunal], may require any industrial undertaking (including a notified factory) <sup>2</sup>\* \* \* to post before a specified date and to keep posted on its premises notices making known <sup>3</sup>\* \* \* the provisions of <sup>4</sup>[sub-sections (1), (2) and (3) of this section] and intimating also the place to which applications to the Tribunal may be addressed.

<sup>1</sup>(2) After any such notice has been posted no person included within the definition of technical personnel who is either employed in or is undergoing training in that undertaking shall leave his employment or training unless he has previously obtained the permission in writing of the Tribunal, and if any person leaves his employment or training without such permission, he may, without prejudice to his liability under section 14, be ordered by the Tribunal to return to his employment or training.] ;

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<sup>1</sup> Subst. by s. 13 of the National Service (Technical Personnel) Amendment Ordinance, 1942, (6 of 1942).

<sup>2</sup> The words "in the area" omitted, *ibid.*

<sup>3</sup> The words "to its employees" omitted, *ibid.*

<sup>4</sup> Subst. by s. 9 of the National Service (Technical Personnel) Amendment Ordinance, 1940, (11 of 1940).

<sup>1</sup> Subst. by s. 13 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

<sup>2</sup>[(2A) Where the Tribunal refuses permission to leave employment, the Tribunal may, of its own motion or on application by the person refused permission lay down subject to the prescribed conditions the terms of service on which the employer shall continue to retain him in employment, and the employer shall not thereafter, notwithstanding anything contained in sub-section (3), discharge, dismiss, or release such person without the previous permission of the Tribunal.] ;

“(3) Subject to prescribed rules, no owner or manager of an industrial undertaking (including a notified factory) which has been required to post notices on its premises under sub-section (1) shall discharge or dismiss any person included in the definition of technical personnel unless he has previously obtained the permission in writing of the Tribunal, and, if any such owner or manager releases or removes from one industrial undertaking (including a notified factory) to another any such person, he shall give notice in writing of such release or removal to the Tribunal within such period as may be prescribed ;

Provided that it shall not be necessary for the owner or manager of an industrial undertaking (including a notified factory) to obtain such permission to discharge or dismiss a person included in the definition of technical personnel if such person—

- (a) was engaged on probation but has not been confirmed ;
- (b) was engaged for a period specified in his written agreement of service, if that period has expired ;
- (c) was engaged for the completion of a piece of work the nature of which was specified in writing at the time of his engagement and which has been completed ;
- (d) is certified by a registered medical practitioner to be physically unfit for the work or class of work in which he is engaged ;
- (e) has, in the opinion of the employer, been guilty of gross insubordination, habitual absence from work



tending to the roof, or to such height as the Inspector may in any particular case specify in writing, women and children may be employed on the side of the partition where the feed-end is situated. .

#### **Notice of certain accidents.**

30. Where in any factory an accident occurs which causes death, or which causes any bodily injury whereby any person injured is prevented from resuming his work in the factory during the forty-eight hours after the accident occurred, or which is of any nature which may be prescribed in this behalf, the manager of the factory shall send notice thereof to such authorities and in such form and within such time, as may be prescribed.

#### **Appeals.**

31. (1) The manager of a factory on whom an order in writing by an Inspector has been served under the provisions of this Chapter, or the occupier of the factory, may, within thirty days of the service of the order, appeal against it to the [Provincial Government]<sup>1</sup>, or to such authority as the [Provincial Government]<sup>1</sup> may appoint in this behalf; and the [Provincial Government]<sup>1</sup> or appointed authority may, subject to rules made in this behalf by the [Provincial Government]<sup>1</sup>, confirm, modify or reverse the order.

(2) The appellate authority may, and if so required in the petition or appeal shall, hear the appeal with the aid of assessors one of whom shall be appointed by the appellate authority and the other by such body representing the industry concerned as the [Provincial Government]<sup>1</sup> may prescribe in his behalf:

Provided that if no assessor is appointed by such body, or if the assessor so appointed fails to attend at the time and place fixed for hearing the appeal the appellate authority may, unless satisfied that the failure to attend is due to sufficient cause, proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

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<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

or any serious misconduct or has been convicted of criminal offence ; or

- (f) is the subject of an adverse police report ;  
but in all such cases the owner or manager concerned shall give notice in writing to the Tribunal of the discharge or dismissal and the reasons therefor within twenty-four hours of the discharge or dismissal.” ;

(c) after sub-section (3) as thus substituted, the following sub-section shall be inserted, namely :—

“(3A) In considering applications for the grant of permission under sub-section (2) or sub-section (3) the Tribunal shall be guided solely by the consideration whether in its opinion the services of the person who wishes to leave his employment or training or whom the employer proposes to discharge or dismiss, as the case may be, can be employed most effectively in connection with work of national importance in his existing employment or training.” ;

(d) after sub-section (4), the following sub-section and explanation shall be added, namely :—

<sup>5</sup>[(4) Subject to any rules made in this behalf under section 19, a Tribunal may control the engagement to technical personnel by industrial undertakings (including notified factories) in such manner as it thinks fit.]

(4A) At any meeting of a Special Tribunal, the Chairman and any other member of the Special Tribunal shall constitute a quorum.”

“(5) Nothing in this section shall affect the terms of any valid contract regulating the termination of employment of any person included within the definition of technical personnel, entered into between such person and his employer.

*Explanation*,—In this section—

(1) the word ‘discharge’ includes the trade term ‘lay off’ or temporary discharge for insufficiency of work, and

(2) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try an offence

<sup>5</sup> Ins. by s. 9 of the National Service (Technical Personnel) Amendment Ordinance, 1940, (11 of 1940).

punishable under this Ordinance.

14. (1) Whoever contravenes any of the provisions of section 13, or wilfully fails to comply with any summons, requirement, direction or order of a Tribunal, a Special Tribunal or the Central Government under this Ordinance shall, save as provided in sub-section (2) of section 11, be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**Liability of owners, agents and managers.**

15. In any proceeding against an industrial undertaking for any offence punishable under this Ordinance or the rules made thereunder the owner of the undertaking and his agent or manager, if any, shall be jointly and severally liable to any penalty incurred under this Ordinance or the rules.

**Service of notices and orders.**

16. Any summons, notice, direction or order to be given to any person for the purpose of this Ordinance may be served by being sent by post addressed to that person at his last known address.

**Bar of Proceedings.**

17. No suit, prosecution or other legal proceeding shall be instituted in any Court in respect of anything in good faith done or intended to be done under this Ordinance.

**Power to amend Schedule.**

18. The Central Government may, by notification in the Official Gazette, direct that persons normally employed in capacities other than those specified in the Schedule shall be deemed to be technical personnel for the purpose of this Ordinance.

**Power to make Rules.**

19. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe—

- (a) the conditions governing the appointment of the persons referred to in sub-section <sup>1</sup>[(4)] of section 5 ;
  - (b) the medical authorities referred to in sub-section <sup>2</sup>[(7)] of section 5 and sub-section (4) of section 10 ;
  - <sup>3</sup>[(c) the conditions under and the manner in which the tests mentioned in clause (c) of sub-section (2) of section 6 and <sup>4</sup>[clause (d) of section 7] shall be carried out ;]
  - <sup>1</sup>[(d)] the conditions <sup>2</sup>[and limitations], governing the exercise of its functions by a Tribunal under sections 6, 7 and 8, <sup>3</sup>[sub-section (2) of section 10A and sub-section (2A) of section 13] ;
  - <sup>4</sup>[(e)] the manner of preferring appeals under section 9 and of making references under the proviso to sub-section (1) of section 11 ;
  - <sup>5</sup>[(f)] the matters requiring to be prescribed for the purposes of [sub-sections (1), (3) and (4)] of section 13 ;]
  - <sup>7</sup>[(g)] the register or other documents to be maintained or prepared by industrial undertakings (including notified factories) and by Tribunals, and the forms of <sup>8</sup>[applications,] notices and orders to be used for the purposes of this Ordinance.
- (3) Any rule made under this section may provide that a contravention of the rule shall be punishable with im-

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<sup>1</sup> Subst. for the brackets and figure "(4)" by s. 10 of the National Service (Technical Personnel) Amendment Ordinance, 1940 (11 of 1940).

<sup>2</sup> Subst. for the brackets and figure "(8)" *ibid*.

<sup>3</sup> Ins. *ibid*.

<sup>4</sup> Subst. by s. 14 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

<sup>1</sup> Original clause (c) re-lettered ((d) by s. 10 of the National Service (Technical Personnel) Amendment Ordinance, 1940 (11 of 1940).

<sup>2</sup> Ins. by s. 14 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

<sup>3</sup> Added, *ibid*.

<sup>4</sup> Original clause (d) re-lettered (e) by s. 10 of the National Service (Technical Personnel) Amendment Ordinance, 1940 (11 of 1940).

<sup>5</sup> Ins. *ibid*.

<sup>6</sup> Subst., by s. 14 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

<sup>7</sup> Original clause (e) re-lettered (g) by s. 10 of the National Service (Technical Personnel) Amendment Ordinance, 1940 (11 of 1940).

<sup>8</sup> Ins. by s. 14 of the National Service (Technical Personnel) Amendment Ordinance 1942 (6 of 1942).

prisonment for any term not exceeding six months, or with fine not exceeding one thousand rupees, or with both.

**Application of Ordinance to Mines.**  
<sup>9</sup>[20. The provisions of this Ordinance and of the rules made thereunder shall apply in relation to mines, as defined in clause (f) of section 3 of the Indian Mines Act, 1923, as if all references throughout this Ordinance and the rules made thereunder to a factory were references to such a mine.]

**<sup>1</sup>[THE SCHEDULE.]**

[See section 2 (a).]

**TECHNICAL PERSONNEL.**

**Managerial or Operational Staff.**

1. Aircraft Pilots.
2. Assistant Works Managers.
3. Chemists (industrial, metallurgical, analytical and technical research).
4. Civil Engineers.
5. Electrical Engineers.
6. Mechanical Engineers.
7. Production Engineers.
8. Works Managers.
9. Structural Engineers.

**Supervisory Staff**

1. Assistant Foremen.
2. Chargehands.
3. Chargemen.
4. Chemical Process Foreman.
5. Ground Engineers (Aircraft).
6. Inspectors (of all grades).
7. Inspectors of material.
8. Leading Hands.
9. Master Tailors and Master Cutters.
10. Overseers.

<sup>9</sup> Added by s. 11 of the National Service (Technical Personnel) Amendment Ordinance, 1940 (11 of 1940).

<sup>1</sup> Subst. by s. 13 of the National Service (Technical Personnel) Amendment Ordinance, 1942 (6 of 1942).

11. Storekeepers, Storeholders.
12. Supervising Mistries.
13. Supervisors.
14. Viewers.
15. Works Chemists.
16. Workshop Foremen.
17. Technical Assistants.

**Skilled and Semi-skilled Trades and Occupations.**

1. Air-craft Mechanics.
2. Armature Winders.
3. Armourers.
4. Beater Mistries (Paper Mill)
5. Belt-men.
6. Blacksmiths, Angle-smiths, Spring-Makers,  
Heavy forge smiths.
7. Blowers (Glass).
8. Boiler Cleaners.
9. Boilermakers, Platers.
10. Boot and Shoe Makers.
11. Braziers.
12. Bricklayers.
13. Brickmoulders.
14. Brick and Tile Makers.
15. Bronzers and Lacquerers.
16. Bubblers.
17. Burning Control Men.
18. Carpenters, Joiners.
19. Chamber-men.
20. Chaulkers.
21. Chemical Assisants (Analysts).
22. Chemical Process workers.
23. Coach Finishers.
24. Coggers.
25. Component setters, Machine and Tool  
Setters.
26. Control operators.
27. Coolermen.

## LABOUR AND FACTORY LEGISLATION

28. Coopers.
29. Coppersmiths.
30. Core makers.
31. Corck men.
32. Crane Drivers.
33. Crusher Attendants.
34. Cupala Men.
35. Cuppers.
36. Curriers.
37. Cutters.
38. Die Sinkers.
39. Drillers.
40. Drivers (Motor Vehicles).
41. Draughtsmen, (Mechanical, Structural, Jig and Tool, Litho Stone and Zinc.)
42. Draw benchmen.
43. Electricians.
44. Electro-platers.
45. Engine Drivers (Steam and internal combustion).
46. Engravers.
47. Erectors.
48. Estimators.
49. Examiners (Tool, Wood and Metal).
50. Extrusion Press Operators.
51. Feed Water Station Attendants.
52. Filament Winders and Cutters.
53. Fillers, Vicemen.
54. Fillers (Brushware).
55. Fitters.
56. Footmakers.
57. Furnace-men Firemen, Stokers.
58. Galvanizers.
59. Gas Producers.
60. Gaugers.
61. Gandi Setters.
62. Graduators (Glass).
63. Gauge and Tool Fitters.
64. Hand mounters.

65. Hammermen, Holders up, Strikers.
66. Heaters.
67. Helio and Vandyke printers.
68. Helpers.
69. Ingot parters.
70. Instrument Mechanics.
71. Ladlemen.
72. Lead Burners.
73. Lithographers.
74. Litho-machine Feeders (Layers on).
75. Litho printers.
76. Mechanic Mistries (Paper Mill).
77. Mechanists, Drillers, Shapers, Millers,  
Planers, Polishers and Grinders.
78. Manipulators and other Machine Drivers.
79. Markers out.
80. Masons.
81. Mechanics (all classes).
82. Melters.
83. Miller-Burners.
84. Millwrights.
85. Motor Mechanics.
86. Motor Men.
87. Moulders.
88. Negative Retouchers (Photo-writers).
89. Overseers.
90. Painters.
91. Paid apprentices and Learners, not being  
persons undergoing training under the  
Technical Training Scheme inaugurated  
by the Central Government in  
(i) Railway Workshop,  
(ii) Ordnance Factories
92. Patternmakers.
93. Petrol Mechanics.
94. Photographers (Wet and Dry).
95. Photo Litho Operators.
96. Pitmen.
97. Plumbers.



98. Precision Grinders, Gauge and Tool Grinders.
99. Press Workers.
100. Process Photographers.
101. Progress men, Routers or Chasers.
102. Punctures and other Machine Operators.
103. Pump House Attendants.
104. Pumpers.
105. Rammers.
106. Rate Fixers.
107. Riggers and Slingers.
108. Rivetters.
109. Rollers and Feeders.
110. Rope Workers.
111. Rotary Kiln Burners.
112. Roughers.
113. Saddlers.
114. Sawyers.
115. Sealers.
116. Sheet Mill operations such as Catchers, Doublers, Finishers, Openers, Operators, Screwmen and Sheermen.
117. Slotters.
118. Stil'men.
119. Storemen.
120. Stovemen.
121. Straighteners.
122. Surveyors.
123. Tank Dippers.
124. Tanners.
125. Teemers, Powers and Chillmen.
126. Tent makers and Tent Menders.
127. Tinsmiths.
128. Tongsmen.
129. Tool Hardeners.
130. Tool makers.
131. Tracers. Ferro-printers.
132. Trimmers.
133. Tube workers.

- 134. Turbine Attendants.
- 135. Turners.
- 136. Upholsterers.
- 137. Vulcanists.
- 138. Water Pump Attendants.
- 139. Weighmen.
- 140. Welders, Acetylene and Electric.
- 141. Well pullers.
- 142. Well scrapers.
- 143. Wheelers.
- 144. Wire Drawers.
- 145. Wireless Operators.
- 146. Wiremen.
- 147. Wood Machinists.

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## **The National Service (Technical Personnel) Ordinance, 1940**

### **RULES.**

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**Government of India, Department of Labour, Notification No. T. R.-2, dated the 29th June 1940 (as subsequently amended up to the 29th April, 1942).**

**No. T.R.-2.**—In exercise of the powers conferred by section 19 of the National Service (Technical Personnel) Ordinance, 1940, the Central Government is pleased to make the following rules, namely :—

#### **THE NATIONAL SERVICE (TECHNICAL PERSONNEL)**

##### **RULES.**

##### **Short title.**

1. (1) These Rules may be called the National Service (Technical Personnel) Rules, 1940.

(2) They extend to the whole of British India including British Baluchistan.

##### **Definitions.**

2. In these Rules, unless there is anything repugnant in the subject or context,—

(a) “appeal” means an appeal under section 9 or Rule 10 ;

(b) “section” means a section of the Ordinance ;

(c) “form” means a form set out in the appendix to these Rules ;

(d) “Ordinance” means the National Service (Technical Personnel) Ordinance 1940.

(3) In the case of an appeal against an order under Section 16 the appellate authority shall, and in any other case except an appeal against an order under sub-section (2) of Section 26 or sub-section (2) of Section 28 the appellate authority may, suspend the order appealed against pending the decision of the appeal, subject however, to such conditions as to partial compliance or the adoption of temporary measures as it may choose to impose in any case.

**Power of Provincial Government to make rules to supplement this Chapter.**

32. The [Provincial Government]<sup>1</sup> may make rules—

- (a) providing for any matter which, according to any of the provisions of this Chapter, is or may be prescribed;
- (b) requiring the managers of factories to maintain stores of first aid appliances and provide for their proper custody;
- (c) providing against danger arising from the use of mechanical transport in factories, other than railways subject to the Indian Railways Act, 1890;
- (d) prescribing the manner of the service of orders under this Chapter on managers of factories;
- (e) regulating the procedure to be followed in presenting and hearing appeals under Section 31, and the appointment and remuneration of assessors;
- (f) regulating the exercise by Inspectors of their power under this Chapter; and
- (g) providing for any other matter which may be expedient in order to give the effect to the provisions of this Chapter.

**Power to make rules relating to shelters for workers during rest, and—**

33. (1) The [Provincial Government]<sup>1</sup> may make rules requiring that in any specified factory, wherein more

<sup>1</sup> These words were substituted for the words "Local Government" by Government of India (Adaptation of Indian Laws) Order, 1937.

**Collection of information by Tribunals and payment of travelling expenses to persons summoned to appear before Tribunals.**

3. (1) A Tribunal may call upon the owners or managers of any or all industrial undertakings within its jurisdiction—

(a) to furnish such particulars of the technical personnel in the employ of those undertakings and within such time as the Tribunal may specify; and

(b) to register in form A all persons belonging to the managerial or supervisory grades of technical personnel described in the Schedule within such time as the Tribunal may specify, and thereafter to report all changes in the particulars so registered as they occur.

Penalty for failure to comply with an order under this Rule—imprisonment which may extend to 6 months or fine which may extend to Rs. 1,000, or both.

(2) A Tribunal before whom any person is summoned to appear under section 6 shall pay to such person travelling expenses in accordance with the provisions of section 544 of the Criminal Procedure, 1898, as if the Tribunal were a Criminal Court.

**Testing of technical skill of personnel.**

3A. (1) No person shall be authorized by a Tribunal to enter upon premises occupied by an industrial undertaking and test the technical skill of any persons in the employment of such undertaking unless the Tribunal has previously consulted the industrial undertaking with regard to the stability of the person selected and given due weight to its views.

(2) An industrial undertaking may during the consultation provided for in sub-rule (1) request that the tests referred to therein be carried out jointly by the person selected by the Tribunal and by a person belonging to the managerial or supervisory grades of technical personnel to be nominated by the undertaking, and any such request shall be complied with by the Tribunal.

(3) The Tribunal may pay to any person whom it may authorize to visit an industrial undertaking and test the technical skill of specified persons, travelling expenses on the same scale as that provided in the Province for the purposes of section 544 of the Code of Criminal Procedure, 1898.

**Persons undergoing test to be treated as on duty.**

3B. (1) Any person who is directed by a Tribunal under clause (d) of sub-section (1) of section 7 to present himself at a specified place for interview or inquiry or submission to a test of his technical skill shall, if he is employed, be treated by his employer as if he were on duty during the period of his absence

from work for such purpose and the employer shall make no deduction from his salary or wages on account of such absence;

Provided that where the period of such absence from work exceeds one day, the salary or wages for any period in excess of one day shall be paid by the Tribunal.

(2) The Tribunal shall pay to any person whom it may direct under clause (d) of sub-section (1) of section 7 to present himself at a specified place for interview, inquiry or submission to a test of his technical skill travelling expenses on the scale referred to in sub-rule (3) of rule 3A.

(3) All orders passed by a Tribunal under clause (d) of sub-section (1) of section 7 shall be issued in Form L and copies shall be forwarded to the industrial undertaking (if any) by which the persons who are to be present for interview, inquiry or test are employed.

Penalty for breach of sub-rule (1)—fine which may extend to Rs. 1,000.

**Procedure for requiring release of personnel or directing personnel to undertake employment in the national service.**

4. “(1) Before passing an order under clause (a), (b) or (c) of sub-section (1) of Section 7, the Tribunal shall hold a summary enquiry at which any objections raised by the industrial undertaking required to release the technical personnel concerned or by the person to be taken into employment in the national service or to be transferred from one form or place of employment in such service to another, as the case may be, shall be considered and briefly recorded.

Provided that in the case of unemployed technical personnel who are to be taken into employment in the national service in a place in which they are already employed, a Tribunal may dispense with the holding of a summary enquiry.”

(2) Notices in Form H or J, as the case may be, stating the time and place fixed for the holding of the enquiry referred to in sub-rule (1) shall be sent to the industrial undertaking (if any) and the technical personnel concerned in sufficient time to enable them to submit their objections, if any, to the Tribunal.

(3) No order shall be passed by a Tribunal requiring an industrial undertaking to release technical personnel for employment in the national service unless such Tribunal is satisfied that the work on which the personnel is to be engaged is more essential to the efficient prosecution of the war than that on which it is at present employed, and has recorded its reasons in brief for arriving at such a decision.

“(3A) No order shall be passed by a Tribunal requiring the owner or manager of a notified factory or the head of a training

establishment to release any technical personnel for employment in the national service or transferring such personnel from one form or place of employment in such service to another except with the consent in writing of the employer.

(4) All orders passed by a Tribunal under clause (a), (b) or (c) of sub-section (1) of section 7 shall be issued in Forms B, C, or C-1, respectively.

(5) Copies of all orders passed by a Tribunal under clause (b) or (c) of sub-section (1) of section 7 shall be forwarded to both the old and new employers.

**Salary or wages to be paid to persons taken into national service.**

5. (1) The Tribunal shall fix the salary or wages to be paid to any person taken into employment in the national service under clause (b), or transferred from one form or place of employment in the national service to another under clause (c) of sub-section (1) of section 7 having due regard to the nature of the employment which he is to undertake and the salary or wages of which he was in receipt in his previous employment (if any).

(2) Subject to the provisions of sub-rule (3) no person taken into employment in the national service or transferred from one form or place of employment in the national service to another shall be entitled to receive a salary or wages higher than he received in the post in which he was last employed unless it can be shown that the work on which he is engaged is of a more responsible or arduous nature.

(3) In fixing the salary or wages to be paid to a person taken into employment in the national service under clause (1), or transferred from one form or place of employment in the national service to another under clause (c) of sub-section (1) of section 7 the Tribunal shall endeavour to ensure that the economic position of such person does not suffer by reason of his being taken into such employment or on his being so transferred.

(4) The salary or wages fixed by a Tribunal under this Rule shall be paid by the notified factory, training establishment or office or department under the Crown.

Penalty for breach of sub-rule (4)—fine which may extend to Rs. 1,000.

**Terms of service of persons taken into employment in the national service.**

6. (1) Any person taken into employment in the national service under clause (b), or transferred from one form or place of employment in the national service to another under clause (c) of sub-section (1) of section 7 shall, if the Tribunal so di-

rects, be permitted to continue to subscribe to any provident or superannuation fund or other scheme for the benefit of employees maintained or managed by the industrial undertaking or department under the Crown by which he was formerly, or in the case of transfer originally, employed under the same terms and conditions as if he had continued to be employed by such undertaking or department.

(2) When any person is permitted by a Tribunal to avail himself of the privilege referred to in sub-rule (1)—

(a) the industrial undertaking or department under the Crown by which he was originally released for employment in the national service shall keep open his account and receive such subscriptions as may in accordance with the rules of such Fund be payable from time to time as if the subscriber were still in its employment; and

(b) the notified factory, training establishment, or department under the Crown in which the person has been taken for employment in the national service or to which he has been transferred shall make such contributions to the fund from time to time as were formerly payable by the industrial undertaking or department under the Crown by which the person was originally released.

Penalty for breach of sub-rule (2)—fine which may extend to Rs. 1,000.

Leave.

7. Any person taken into employment in the national service under clause (b), or transferred from one form or place of employment in the national service to another under clause (c), of sub-section (1), of section 7 shall, if the Tribunal so directs, continue to be eligible, subject to such conditions as may be laid down by the Tribunal, for such leave with pay as was admissible to him in his previous employment, or original employment, as the case may be, and the notified factory, training establishment or department under the Crown into which he has been taken in the national service or to which he has been transferred shall grant him such leave at its own cost.

Penalty for breach of this rule—fine which may extend to Rs. 1,000.

Free accommodation, medical attention, etc.

7A. A Tribunal may, after ascertaining that the necessary facilities are available and having regard to the status of the personnel and general practice of the industry or department concerned, direct that any technical personnel taken into employment in the national service or transferred from one form or place of employment in the national service to another shall



be provided with such amenities as free accommodation and free medical attention as may be specified and the employer shall comply with such direction.

Penalty for breach of this rule—fine which may extend to Rs. 1,000.

**Hours of work and overtime.**

8. In dealing with persons taken into employment in the national service the employer shall in all cases apply the rules relating to hours of work and overtime rates in force in the notified factory, training establishment or department under the Crown, so far as the said rules are not inconsistent with any law for the time being in force.

Penalty for breach of this rule—fine which may extend to Rs. 1,000.

**Pay and allowances in transit.**

9.(1) Any person taken into employment in the national service or transferred from one place of such employment to another shall be paid by the Tribunal on the first occasion of his repairing to the place or the new place of such employment travelling expenses at such rates as may be fixed by the Tribunal having regard to his status and mode of life ;

Provided that no travelling expenses shall be payable, if the distance to the place or the new place of such employment from the previous place of employment, or if he is unemployed, from his actual place of residence when so taken does not exceed five miles.

(2) The salary or wages of any person who is already employed and is directed to undertake employment in the national service or who is transferred from one place of employment in the national service to another shall, for the period of transit, be paid by the new employer at such rates as may be fixed in this behalf by the Tribunal or the Central Government, as the case may be.

Penalty for breach of this rule—fine which may extend to Rs. 1,000

**Payment of travelling expenses on termination of employment in the national service.**

9A. (1) The owner or manager of a notified factory, the head of a training establishment, or department under the Crown in which any person taken into employment in the national service is employed at the time of the final termination of such employment, shall, if the local Tribunal or, as the case may be, the Central Government so directs, pay to such person travelling expenses to the original place of his employment, or if he was unemployed when first taken into employment in the

national service, to his original place of residence, at such rates as may be fixed by the Tribunal or, as the case may be, the Central Government, having regard to his status and mode of life;

Provided that no travelling expenses shall be payable if the distance to such place of employment or place of residence does not exceed five miles.

Penalty for breach of this rule—fine which may extend to Rs. 1,000

(2) Any person who was employed at the time when he was directed to undertake employment in the national service, shall, on the final termination of such employment, be paid salary or wages for the period of transit for returning to his former employment, by the employer under whom he is employed at the time of such termination, at such rates as may be fixed in this behalf by the Tribunal or the Central Government, as the case may be.

Penalty for breach of this rule—fine which may extend to Rs. 1,000

**Appeals against orders passed under Rules 5, 6, 7, 7A, 9, 9A, and 16B.**

10. An appeal shall lie to the Central Government against any order passed by a Tribunal under Rules 5, 6, 7, 7A, 9, 9A and 16B.

**Reports of orders under section 7 (1) (e).**

10A. (1) Before issuing an order under clause (e) of sub-section (1) of section 7 a Tribunal shall report the nature of the personnel to be trained and the terms and conditions on which it is proposed to order the training to be undertaken to the Central Government and shall pass orders only after receiving the approval of that Government.

(2) Every order passed by a Tribunal under clause (e) of sub-section (1) of section 7 shall be issued in Form C-II.

**Persons associated with a Tribunal in its deliberations.**

11. The persons whom a Tribunal may decide to associate with it in its deliberations under sub-section (4) of section 5 shall act in an advisory capacity only and shall if they are not servants of the Crown be invited to attend sittings of the Tribunal only when matters with which they are particularly concerned are to be discussed.

**Authorities by whom medical examinations to be carried out.**

12. (1) The medical authority before whom a person selected for employment in the national service may be ordered to appear under sub-section (7) of section 5 or sub-section (4) of section 10 shall be the Civil Surgeon of the local area in which

such person is employed or usually resides, or such other medical officer as the Central Government may by order in writing appoint for this purpose.

(2) If any person who has been ordered to submit himself to be examined by the officer referred to in sub-rule (1) questions the decision of that officer, he may be ordered by the Tribunal or the Central Government as the case may be to appear before a Civil Medical Board to be convened by the Provincial Government.

**Orders under section 10A (2).**

12A. No order shall be passed by a Tribunal under sub-section (2) of section 10A in respect of a notified factory unless the Tribunal is satisfied—

- (a) that the person to be released wishes to be released and to undertake employment in His Majesty's Forces or in a civilian capacity outside India; and
- (b) that the person's release will not cause any serious dislocation of other work of national importance.

**Relaxation of the provisions of section 13 (3) in certain cases.**

12B. (1) Every notice under sub-section (3) of section 13 of the release or the removal from one factory to another of a person included in the definition of technical personnel shall state the reasons for the release or removal and shall be given to the Tribunal within seven days of the event.

(2) Every application made to a Tribunal by the owner or manager of an industrial undertaking under sub-section (3) of section 13 shall be sent by registered post or under a certificate of posting and every order passed by a Tribunal under sub-section (3) of section 13 shall be communicated to the owner or manager of the industrial undertaking making the application as expeditiously as possible and in any case, within fifteen days of the date of despatch of such application, failing which the Tribunal's permission shall be assumed to have been obtained by such owner or manager.

**Control under section 13(4).**

12C. A Tribunal may control under sub-section (4) of section 13 the engagement of technical personnel by industrial undertakings (including notified factories), by general order published in the press when the order is of general application, or by special order when the order is of special application, directing—

- (a) that no industrial undertaking shall offer employment to any technical personnel class of technical personnel employed in any industrial undertaking, training establishments or offices or departments under the Crown

except through or with the general or special approval of the Tribunal or an officer authorised by it in this behalf,

- (b) that no advertisement for technical personnel or any specified class thereof shall be issued or published in the press by any industrial undertaking or class of industrial undertakings except through or with the general or special approval of the Tribunal or an officer authorised by it in this behalf,
- (c) that no industrial undertaking other than a notified factory or training establishment shall engage technical personnel already in employment, on a higher wage than that drawn by the technical personnel in their existing employment, without the consent in writing of the Tribunal or an officer authorised by it in this behalf
- (d) that no technical personnel or class of technical personnel employed in notified factories, training establishments or offices or departments under the Crown shall seek or apply for employment elsewhere except with the previous sanction in writing of the Tribunal or an officer authorised by it in this behalf,
- (e) that the previous approval of the Tribunal or an officer authorised by it in this behalf shall be necessary for the engagement by any industrial undertaking other than a notified factory, training establishment or office or department under the Crown of such class or classes of technical personnel as may be specified ;
- (f) that any or all industrial undertakings shall forward to the Tribunal or an officer authorised by it in this behalf,
- (i) particulars of all vacancies for technical personnel in their establishments, other than vacancies reserved for their own apprentices, immediately on their occurrence;
- (ii) a report in such form as may be supplied by the Tribunal or the officer stating, in the case of technical personnel recommended for appointment to vacancies ;
  - (a) whether the personnel have been engaged by the undertaking, or
  - (b) if the personnel have not been employed, the reasons of the undertaking for not engaging them ;
- (iii) particulars of any technical personnel it may engage after a specified date, in such form and within such period as the Tribunal or the officer may direct ;
- (g) that with effect from a specified date any or all in industrial undertakings shall issue to all or any specified classes of technical personnel discharged, dismissed or released by or from the undertaking or permitted by the Tribunal to leave their employment in such undertaking

a service certificate in Form O or if the employee is already in possession of such a certificate make such additions to the certificate as will bring it up-to-date.

Penalty for breach of an order issued under this rule—fine which may extend to Rs. 1,000.

**Procedure for submission of appeals.**

13. (1) Every appeal shall be written in English in form D or E, as the case may be, and sent within one month of the date of the order appealed against to the Secretary to the Government of India in the Department of Labour through the Tribunal which issued the order. In forwarding an appeal, the Tribunal shall enclose the proceedings or authenticated copies of the case which gave rise to the appeal together with an explanation on each of the points raised by the appellant. The Tribunal may, at its discretion, withhold any appeal sent after one month of the date of the order appealed against.

(2) The decision of the Central Government on all appeals will be conveyed to the Tribunal concerned which shall communicate it without delay to the appellants.

**Registers.**

14. Every notified factory, training establishment or office or department under the Crown shall keep a register in Form F of the technical personnel taken into its employment in the national service under clause (b) of sub-section (1) of section 7 or clause (b) of sub-section (1) of section 10 or transferred to it under clause (c) of sub-section (1) of section 7 or sub-section (2) of section 10.

Penalty for breach of this rule—fine which may extend to Rs. 1,000.

**Maintenance of registers by Tribunals.**

15. Every Tribunal shall maintain a Register in such form as it deemed suitable of all technical personnel directed to undertake employment in the national service under clause (b) of sub-section (1) of section 7 or clause (b) of sub-section (1) of section 10 or transferred from one form or place of employment in the national service to another under clause (c) of sub-section (1) of section 7 or sub-section (2) of section 10, showing the trades or classes to which they belong, the industrial undertakings or departments or offices under the Crown by which they were released or from which they were transferred, the notified factories, training establishments or technical posts under the Crown in which they were directed to undertake employment or to which they were transferred, the terms of service fixed and the result of the appeals, if any.

**Form of order under section 13.**

16. (1) Every order passed by a Tribunal under sub-section (1) of section 13 shall be issued in Form G.

(2) Every application made or notice given to a Tribunal by an owner or manager of an industrial undertaking under sub-section (3) of section 13 shall be in Form M or Form M1 as the case may be and, if the Tribunal so directs, all applications from technical personnel to leave their employment shall be submitted to it in Form N.

**Applications under section 4 (2).**

16A. Every application for technical personnel made to a Tribunal or the Central Government under sub-section (2) of section 4 shall be submitted in Form K.

**Refixation of wages of technical personnel to whom permission to leave employment is refused.**

16B. (1) If in considering under sub-section (2A) of section 13 the salary or wages of a person to whom permission to leave his employment has been refused, a Tribunal is satisfied that the salary or wages paid by the employer is less than the rate prevailing for technical personnel of such person's class in the locality concerned, it may increase the rate to such extent as will raise it to the prevailing rate, and if that rate is less than the amount which the person concerned would have received had he been permitted to leave his employment, and the Tribunal is satisfied that there exist special reasons for the higher rate so offered or obtainable, the Tribunal may further increase the rate to such an extent as it considers fair and reasonable:

Provided that the total salary or wage so fixed shall not exceed the prevailing rate by more than ten per cent.

(2) In considering under the said sub-section the terms of service other than salary or wages of a person to whom permission to leave his employment has been refused, the Tribunal shall be guided by the general practice of the industry concerned, having due regard to local conditions and the status of the person concerned, and may if necessary grant an allowance not exceeding ten per cent. of the salary or wages fixed under sub-rule (1) in lieu of any amenities which are usually provided by the industry but for which no facilities exist at the place where such person is employed.

**Accounts to be kept by Tribunals.**

17. Every Tribunal shall keep accounts supported by vouchers of all moneys received and expended by it during each financial year.

than one hundred and fifty workers are ordinarily employed, an adequate shelter shall be provided for the use of workers during the periods of rest, and such rules may prescribe the standards of such shelters.

#### **Rooms for Children.**

(2) The [Provincial Government]<sup>1</sup> may also make rules—

- (a) requiring that in any specified factory, wherein more than fifty women workers are ordinarily employed, a suitable room shall be reserved for the use of children under the age of six years belonging to such women, and
- (b) prescribing the standards for such rooms and the nature of the supervision to be exercised over the children therein.

#### **Certificates of stability—**

(3) The [Provincial Government]<sup>1</sup> may also make rules, for any class of factories and for the whole or any part of the province requiring that work on a manufacturing process carried on with the aid of power shall not be begun in any building or part of a building erected or taken into use as a factory after the commencement of this Act, until a certificate of stability in the prescribed form, signed by a person possessing the prescribed qualifications, has been sent to the Inspector.

#### **Hazardous operations.**

(4) Where the [Provincial Government]<sup>2</sup> is satisfied that any operation in a factory exposes any persons employed upon it to a serious risk of bodily injury, poisoning or disease, [it]<sup>3</sup> may make rules applicable to any factory or class of factories in which the operation is carried on—

- (a) specifying the operation and declaring it to be hazardous,

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<sup>1</sup> These words were substituted for the words "Local Government" by Government of India (Adaptation of Indian Laws) Order, 1987.

<sup>2</sup> These words were substituted for the words "Governor-General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1987.

<sup>3</sup> This word was substituted for the word "he" *ibid*.

18. Before passing an order under sub-section (1) or (2) of section 10, the Central Government may, if it considers it necessary so to do, direct the local Tribunal to hold a summary enquiry, and thereupon the Tribunal shall hold such enquiry in accordance, as near as may be, with the provisions of sub-rules (1) and (2) of rule 4 and submit a report to the Central Government.

19. A Tribunal may delegate any or all of its powers to the Chairman with the exception of those vested in it under clauses (a), (b) and (c) of sub-section (1) of section 7, sections 8 and 10A, sub-section (2A) of section 13 and rules 4, 5, 6, 7 7A, sub-rule (2) of rule 9, sub-rule (2) of rule 9A and rule 12B.

## APPENDIX.

**(See Rule 3).**

### Register of Managerial and Supervisory Personnel.

Name.	Age.	Apprenticeship Training.			Technical Training			Practical Experience (in Chronological order).				
		Name of work-shop.	Departments where employed.	Time spent in Department.	School or College.	Particulars of course.	Duration.	Name of work-shop.	Cap city in which employed.	Duration.	Pay.	Details of experience gained i.e. type of jobs dealt with.
1	2	3	4	5	6	7	8	9	10	11	12	13



**LABOUR AND FACTORY LEGISLATION**  
**THE NATIONAL SERVICE (TECHNICAL PERSONNEL)**  
**RULES, 1940.**

**Form B.**

**Order requiring an industrial undertaking to release Technical Personnel.**

(See Section 7.)

In exercise of the powers conferred on us by clause (a) of sub-section (1) of section 7 of the National Service (Technical Personnel) Ordinance, 1940, we do hereby order and require you the Owner/Manager of ..... 194.. to release on or before the ..... the technical personnel described below for employment in the national service in a notified factory/training establishment/technical post under the Crown, viz.....situated at/in the Department of.....

Name.	Personnel.	Trade.
.....	.....	.....
.....	.....	.....

.....  
Chairman or Authorised Officer.  
National Service Labour Tribunal.

Dated..... the..... 194..

To

.....

.....

.....

**THE NATIONAL SERVICE (TECHNICAL PERSONNEL)  
RULES, 1940.**

**Form C.**

**Order directing Technical personnel to take up employment in  
the National Service.**

(See Section 7.)

In exercise of the powers conferred on us by clause (b) of sub-section (1) of section 7 of the National Service (Technical Personnel) Ordinance, 1940, we do hereby direct and require you Mr. .... son of..... of..... by trade..... to undertake employment in the National Service as..... in.....being a notified factory/training establishment/technical post under the Crown situated at/in the Department of.....We do further direct and require you to report yourself to..... for duty in the said factory/establishment/post not later than the ..... 194....

2. The following Terms of Service have been fixed by us in accordance with Rules 5 to 7 and 9 of the National Service (Technical Personnel) Rules, 1940.

- (1) Salary or wages, including allowances, if any.....
- (2) Provident Fund (if any) .....
- (3) Leave .....
- (4) Travelling allowance .....
- (5) Salary or wages during transit.....
- (6) Other concessions (if any) .....

Note.—Your attention is drawn to the proviso to sub-section (2) of section 11 of the Ordinance under which if on the termination of your employment in the national service you do not apply to your present employer for re-instatement within a period of two months from the date of such termination you will be liable to forfeit the right to re-instatement.

.....  
Chairman or Authorised Officer.  
National Service Labour Tribunal.

Dated..... the..... 194....

To

.....  
.....  
.....

## THE NATIONAL SERVICE (TECHNICAL PERSONNEL)

RULES, 1940.

Form C-I.

**Order transferring Technical Personnel from one form or place of employment in the National Service to another.**

(See Section 7.)

In exercise of the powers conferred by clause (c) of subsection (1) of section 7 of the National Service (Technical Personnel) Ordinance, 1940, we do hereby order that Mr..... son of..... of....., by trade ....., be transferred from..... being a notified factory/training establishment/technical post under the Crown situated at/in the Department of .....[to ..... being a notified factory/trading establishment/technical post under the Crown situated at or in the department of .....] as..... and to direct the said Mr. .... to report himself to..... for duty in the said factory/establishment/post not later than the..... 194 .

2. The following terms of Service have been fixed in accordance with rules 5 to 7, 7A and 3 of the National Service (Technical Personnel) Rules, 1940.

- (1) Salary or wages, including allowance, if any.....
- (2) Provident Fund (if any).....
- (3) Leave .....
- (4) Travelling allowance .....
- (5) Salary or wages during transit.....
- (6) Other concessions (if any).....

Chairman or Authorised Officer.  
National Service Labour Tribunal.

Dated ..... the..... 194....

.....  
.....

**THE NATIONAL SERVICE (TECHNICAL PERSONNEL)  
RULES, 1940.**

**Form C-II,**

**Order requiring an Industrial Undertaking to provide training  
as Technical personnel.**

(See Section 7.)

In exercise of the powers conferred on us by clause (e) of sub-section (1) of Section 7 of the National Service (Technical Personnel) Ordinance, 1940, we do hereby order and require you the Owner/Manager of ..... to take into your factory/workshops/Shipyard(s) at..... persons aged between 18 and 40 years for training as technical personnel, to wit ..... before the..... 194 ,/within .....months from the date of this order, on the terms and conditions specified below, and you are hereby warned that on the expiry of..... months from the date of this order an equivalent number of technical personnel will be removed from your factory/workshops/shipyards(s) for work of national importance elsewhere :—

**Terms and conditions.**

.....  
Chairman or Authorised Officer.  
National Service Labour Tribunal.

Dated.....the.....194....  
To

.....  
.....  
.....

**THE NATIONAL SERVICE (TECHNICAL PERSONNEL) -  
RULES, 1940.**

**Form of appeal to be used by industrial undertakings.  
Form D.**

(See Section 9 and Rule 10.)

1. Name and address of Industrial undertaking.....
2. Name and address of owner or managing agent.....
3. Name of Manager .....
4. Industry in which engaged.....

5. Details of personnel called up (including trade to which personnel belongs) .....
- .....
6. Terms of service fixed by Tribunal.....
- .....
7. Brief particulars of order appealed against.....
- .....
8. Grounds of appeal.....
- .....
- .....
- .....

Place.....

Date.....

Signature of appellant.

---

**THE NATIONAL SERVICE (TECHNICAL PERSONNEL)**

**RULES, 1940.**

**Form E.**

**Form of Appeal to be used by Personnel taken into employment in the National Service.**

(See Section 9 and Rule 10.)

1. Name.....
2. Father's name .....
3. Home address .....
4. Date of birth .....
5. If married, number of dependants .....
6. Trade and grade or class in which included.....
7. Number of years experience in such trade.....
8. Industrial undertaking in which employed.....
9. Salary or Wages and terms of service fixed by Tribunal .....
10. Salary or Wages and terms of service enjoyed in previous employment .....
11. Brief particulars of order appealed against .....
12. Grounds of appeal .....
- .....
- .....

Place.....

Date.....

Signature of appellant.

**Form F.**

**Register of national service personnel to be maintained by notified factories, training establishments and departments under the Crown.**

(See Rule 14.)

1 Serial No.	2 Name.	3 Father's Name.	4 Home Address.	5 If married number of dependants.	6 Trade or Class.	7 Date of Birth.	8 Industrial undertaking by which released or from which transferred.	9 Date of release or transfer.	10 Terms of service.

**THE NATIONAL SERVICE (TECHNICAL PERSONNEL)  
RULES, 1940.**

**Form G.**

**Order requiring industrial undertakings to post notices on their premises.**

(See Section 13.)

In exercise of the powers conferred on us by sub-section (1) of section 13 of the National Service (Technical Personnel) Ordinance, 1940, we do hereby require you the Owner/Manager of .....being an industrial undertaking.—

- (1) to post before the.....19.... and keep posted and maintain in a legible condition in the language generally spoken in the locality or/and in..... in conspicuous places on your premises and at least at every entrance normally used by your employees, a notice [in the attached form]\*, making known the provisions of sub-sections (1), (2) and (3) of section 13 of the National Service (Technical Personnel) Ordinance, 1940 (reproduced hereunder) ;

[ 1\* strike out if no form is provided by the Tribunal.

- (2) to read out the notice in the language generally spoken in the locality once in every month to all the persons working on the premises; and
- (3) to intimate the following address as the place to which applications to the Tribunal may be addressed:—

.....  
 .....  
 .....

.....  
 Chairman or Authorised Officer.  
 National Service Labour Tribunal.

Dated..... the ..... 194....

To

.....  
 .....  
 .....

13. (1) Subject to any rules made in this behalf under section 19, a Tribunal may require any industrial undertaking (including a notified factory) to post before a specified date and to keep posted on its premises notices making known the provisions of sub-sections (1), (2) and (3) of this section and intimating also the place to which applications to the Tribunal may be addressed.

(2) After any such notice has been posted no person included within the definition of technical personnel who is either employed in or is undergoing training in that undertaking shall leave his employment or training unless he has previously obtained the permission in writing of the Tribunal, and if any person leaves his employment or training without such permission he may, without prejudice to his liability under section 14, be ordered by the Tribunal to return to his employment or training.

(3) No owner or manager of an industrial undertaking (including a notified factory) situated within an area in respect of which a Tribunal has been constituted shall save as may be otherwise prescribed discharge, dismiss, suspend, release or remove from one factory to another any person included in the definition of technical personnel, unless he has given fifteen days' previous notice in writing of the contemplated discharge, dismissal, suspension, release or removal to the Tribunal.

THE NATIONAL SERVICE (TECHNICAL PERSONNEL)  
RULES, 1940.

Form H.

Notice of summary enquiry to industrial undertakings/Departments under the Crown.

[See Rule 4(2).]

.....  
Manager/Owner/Head of the Department of .....  
an industrial undertaking/a department under the Crown situated at.....is hereby informed that a summary enquiry will be held under sub-rule (1) of rule 4 of the National Service (Technical Personnel) Rules, 19 , at..... a.m./p.m. on the ..... 19..... at..... to determine whether the said industrial undertaking/department should be required to release the undernoted technical personnel for employment in the national service.

transfer to, another form/place of employment in the national service.

If the said Manager/Owner/Head of the Department has any objection to put forward to the release/transfer of the said personnel he should submit the same to the Tribunal on or before the above mentioned date and may if he wishes it appear before the Tribunal on that date at the time fixed, failing which orders will be passed *ex-parte*.

Technical Personnel.

Name.	Date of Birth.	Trade.
-------	----------------------	--------

.....  
.....  
.....

.....  
Chairman or Authorised Officer.  
National Service Labour Tribunal.

Dated..... the .....194.....

To

.....  
.....  
.....



**THE NATIONAL SERVICE (TECHNICAL PERSONNEL)  
RULES, 1940.**

**Form J.**

**Notice of summary enquiry to Technical Personnel.**

[See Rule 4(2).]

Mr. .... son of .....  
of ..... by trade ..... at.....  
present employed in .....  
is hereby informed that a summary enquiry will be held under  
sub-rule (1) of rule 4 of the National Service (Technical Person-  
nel) Rules, 1940, at..... a.m./p.m. on the  
.....19 . at .....  
..... to  
determine whether he should be directed to undertake employ-  
ment in the national service.  
transferred to another form/place of employment in the na-  
tional service.

If Mr..... has any objection to put forward to being  
directed to undertake employment/being transferred, he should  
submit the same to the Tribunal on or before the above men-  
tioned date and may if he wishes it appear before the Tribunal  
on that date at the time fixed, failing which, orders will be  
passed *ex-prate*.

.....  
Chairman or Authorised Officer.  
National Service Labour Tribunal.

Dated ..... the ..... 194....

To

.....  
.....  
.....

- (b) prohibiting or restricting the employment of women, adolescents or children upon the operation,
- (c) providing for the medical examination of persons employed or seeking to be employed upon the operation and prohibiting the employment of persons not certified as fit for such employment, and
- (d) providing for the protection of all persons employed upon the operation or in the vicinity of the places where it is carried on.

## CHAPTER IV.

### RESTRICTIONS ON WORKING HOURS OF ADULTS

#### Weekly hours.

34. No adult worker shall be allowed to work in a factory for more than fifty-four hours in any week, or, where the factory is a seasonal one, for more than sixty hours in any week:

Provided that an adult worker in a non-seasonal factory engaged in work which for technical reasons must be continuous throughout the day may work for fifty-six hours in any week.

#### Weekly holiday.

35. (1) No adult worker shall be allowed to work in a factory on a Sunday unless—

- (a) he has had or will have a holiday for a whole day on one of the three days immediately before or after the Sunday, and
- (b) the manager of the factory has, before that Sunday or the substituted day, whichever is earlier,—
  - (i) delivered a notice to the office of the Inspector of his intention to require the workers to work on the Sunday and of the day which is to be substituted, and
  - (ii) displayed by a notice to the effect in the factory:

THE NATIONAL SERVICE (TECHNICAL PERSONNEL)  
RULES, 1940.

Form K.

Application for Technical Personnel.

[See Section 4 (2) and Rule 16A.]

1. Name and address of the notified factory/training establishment/office or Department under the Crown.....

2. Name and address of Owner/Manager/Officer making the application .....

3. Technical personnel required (give details of trades wanted) .....

4. Purpose for which personnel is required (state nature and purpose of work on which the personnel is to be employed)

5. State salary or wages paid to similar personnel in the notified factory/training establishment/office or Department....

6. Does the factory/training establishment/office or Department maintain a Provident Fund or any other fund or scheme for the benefit of the employees? If so, give details....

7. Does the factory/training establishment/office or Department allow leave or holidays with pay to its employees? If so, give details.....

8. Does the factory/training establishment/office or Department provide (1) free accommodation (2) free medical attention or (3) any other amenities for its employees? If so, give details .....

I hereby apply under the provisions of section 4(2) of the National Service (Technical Personnel) Ordinance, 1940, for the allotment of the technical personnel described in item 3 above to ..... being a notified factory/training establishment/office or Department under the Crown. I have read and understood the provisions of sub-section (2) of section 4 of the National Service (Technical Personnel) Ordinance, 1940, as amended by Ordinance No. XI of 1940 and Ordinance No. VI of 1942.

Signature of Owner/Manager/Officer.

Dated ..... the ..... 194....  
To

**Form L.**

**(See Section 7 and Rule 3B.)**

2. You will be deemed to be on duty during the period of your absence from work for the purpose specified in paragraph 1 and will be entitled to receive your salary or wages from your employer of the period of your absence not exceeding one day and from the Tribunal for any period in excess of one day. You will also receive your travelling expenses from the Tribunal.

Dated..... the..... 194....  
To

**Form M.**

1. Name of personnel to be discharged or dismissed.....  
discharged

2. Address (permanent) .....

3. Address (temporary) .....

4. Age .....

5. Trade .....

6. Rate of pay. ....

7. Work on which engaged .....

8. Name of industrial undertaking where employed and the date from which employed .....
9. Address of industrial undertaking .....
10. Reasons for the discharge or dismissal.....
- .....
11. Date from which discharge or dismissal is proposed to  
was  
be given effect to.....
12. Skill and capabilities of technical personnel.....

(Please give sufficient indication to enable the Tribunal to judge to what extent the personnel may be suitable for employment in the National Service.)

---

THE NATIONAL SERVICE (TECHNICAL PERSONNEL)

RULES, 1940.

Form M-I

Notice of release or removal of technical personnel from one industrial undertaking to another.

(See Section 13(3) and Rules 12B and 16)

1. Name of personnel released or removed. ....
- .....
2. Address (permanent) .....
3. Address (temporary) .....
4. Age..... 5. Trade.....
6. Rate of pay in previous and present employment.....
- .....
7. Work on which actually engaged in previous .....
- employment .....
8. Work on which actually engaged in present employment.....
- .....
9. Name and address of the industrial undertaking where previously employed and the date from which employed .....
- .....
10. Name and address of the industrial undertaking where at present employed and the date from which employed .....
- .....
11. Reasons for release or removal.....
12. Date of release or removal.....

**THE NATIONAL SERVICE (TECHNICAL PERSONNEL)  
RULES, 1940.**

**Form. N.**

**Application of Technical Personnel for permission to leave  
employment.**

[See Section 13(2) and Rule 16.]

1. Applicant's name .....
2. Address (permanent) .....
3. Address (temporary) .....
4. Age. ....
5. Trade .....
6. Rate of pay.....
7. Name of industrial undertaking where employed and the  
date from which employed .....
8. Address of the industrial undertaking.....
9. Reasons why applicant wishes to leave.....

*Note I.*—Applicants are advised to submit this application to the Tribunal through their employers as this will save time.

*Note II.*—Employers forwarding applications are requested—

- (1) to state on the reverse what objection, if any, they have to the grant of permission under section 13 (2);
- (2) to give sufficient details of the work on which the applicant is at present employed to indicate to what extent his services are essential or otherwise; and
- (3) to indicate what degree of skill at his trade the applicant is considered to possess.

**THE NATIONAL SERVICE (TECHNICAL PERSONNEL)  
RULES, 1940**

**Form O.**

**Service Certificate.**

[See Rule 12C.]

**Personal Particulars.**

- |                           |                |
|---------------------------|----------------|
|                           | Serial No..... |
| 1. Name .....             |                |
| 2. (a) Home address ..... |                |
| (b) Thana .....           | District.....  |
| (c) Father's Name .....   |                |
| (d) Caste .....           |                |

# LABOUR AND FACTORY LEGISLATION

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3. Date of Birth .....
  4. Religion .....
  5. Identification Marks .....
  6. Education: Literate in .....
  7. When Recruited .....
  8. Where Recruited .....
  9. Age at Recruitment .....
- Employee's Name ..... Serial No.....

Space for photograph  
(if required).

Left thumb  
impression.

Photograph Dated ..... At Age of.....

## Details of Employment.

- Serial No.....
1. Name of industrial undertaking .....
  2. Department(s) in which Employed.....
  3. Nature of Employment .....
  - 3A. Period Employed..... From ..... To .....
  4. Trade (if any) .....
  5. Appointment on Leaving .....
  6. Rate of Pay on Leaving Service per Month/per Day.....
  7. Reasons for Leaving Service.....
  8. Conduct .....
  9. Abilities .....
  10. Time keeping .....
  11. Ordinance II of 1940 (Number and Date of authorisation or notice to be quoted).
    - (a) Permitted to Leave under Section 13 (2).....
    - (b) Notice of Discharge given under section 13(3).....
  12. Employer's Signature or Thumbprint
  13. Employer's Signature and designation.

Date of Issue.....

Employer .....	Serial No. ....
Employer .....	Serial No. ....
Employer .....	Serial No. ....
Employer .....	Serial No. ....

**FACTORIES ENGAGED ON WORK OF NATIONAL  
IMPORTANCE.**

No. T.R.-24 (2), dated New Delhi, the 9th April 1941.

In exercise of the powers conferred by sub-section (1) of section 4 of the National Service (Technical Personnel) Ordinance, 1940 (Ordinance No. II of 1940), and in supersession of the notification of the Government of India in the Department of Labour, No. T.R.-24, dated the 9th December 1940, the Central Government is pleased to declare the factories specified in the Schedule hereto annexed to be factories engaged on work of national importance.

**SCHEDULE.**

**Ajmer-Merwara.**

1. Bombay, Baroda and Central India Railway—
  - (a) Carriage and Wagon Shops, Ajmer.
  - (b) Loco. Shops, Ajmer.
  - (c) Power House, Ajmer.

**Province of Assam.**

2. Assam Oil Company's—
  - (a) Field Workshop, Digboi.
  - (b) Motor Repairing Workshop, Digboi.
  - (c) Oil Installation, Tinsukia.
  - (d) Petroleum Refinery, Digboi.

**Province of Bengal.**

3. Alkali and Chemical Corporation of India, Limited, Rishra Works, Rishra, Hooghly.
4. Allen Berry and Company's Works, 62, Hazra Road, Ballygunge, Calcutta.
5. Aluminium Manufacturing Company, Limited, 2, Jessore Road, Dum Dum, 24 Pargannas.
6. Angus Engineering Works, Bhadreswar, Angus, Hooghly District.
7. Asbestos Cement Company's Works, Taratolla Road, P.O. Garden Reach.
8. Assam-Bengal Railway—
  - (a) Electric Power House, Pahartali P.O.
  - (b) General Electric Repair Shop, Pahartali, P.O.
  - (c) Locomotive Carriage and Wagon Shop, Pahartali P.O.
9. Bengal-Nagpur Railway—
  - (a) Electric Battery House, Santragachi.
  - (b) Line Engineering Works, Southside, Kharagpur.



- (c) Locomotive Shed Workshop, Kharagpur.
- (d) Marine Workshop, Shalimar, Sibpur, P.O.
- (e) Santragachi Loco. Shed, Santragachi.
- (f) Workshop (Carriage Section), Kharagpur.
- (g) Workshop (Electrical Section), Kharagpur.
- (h) Workshop (Locomotive Section), Kharagpur.
- (i) Workshop (Wagon Section), Kharagpur.
- 9A. Bengal Telephone Corporation Ltd's Repair Factory, 146, Chittaranjan Avenue, Calcutta.
- 10. Braithwaite and Company (India), Limited, Clive Works, Hide Road, Kidderpore, Calcutta.
- 11. Bridge and Roof Company's Structural Works 422, Grand Trunk Road, Howrah.
- 12. Britannia Engineering Works, Titaghur Bengal.
- 12A. Britannia Building and Iron Co., Ltd.'s Workshop, 287 Grand Trunk Road, Salkia, Howrah.
- 12B. Britannia Building and Iron Co., Ltd.'s Wood Working and Veneer.
- 13. British India Electric Construction Works, 6, Mayurbhanj Road, Kidderpore.
- 14. Burn and Company, Limited Howrah Iron Works, Howrah, Bengal.
- 15. Calcutta Port Commissioners'—
  - (a) Island Workshops, Island Workshop Dock Entrance, No. 14, Berth, Kidderpore, P.O.
  - (b) North Workshop, 6/1, Garden Reach Road, Kidderpore, P.O.
  - (c) South Workshops, 8, Garden Reach Road, Kidderpore.
- 16. Calcutta Tramway Company's Nonapukar Power Station and Workshop, 183 and 184, Lower Circular Road, Calcutta.
- 17. Dunlop Rubber Company (India), Limited, P.O. Shahganj, District Hooghly, Bengal.
- 18. Ford Motor Company of India, Limited, 110/1, Russa Road, North, Elgin Road Post Office.
- 19. G.T.R. Company's Engineering Works, 37, Dum Dum Road, Ghughudanga, Calcutta
- 19A. Gariahat Engineering Works, 26, Satya Doctor Road, Kidderpore.
- 20. Gresham and Craven (India), Limited, 22, Gobra Road, Entally, Calcutta.
- 21. Guest, Keen, Williams, Limited, Railway Appliance Works, 97, Abdul Road, Howrah, Bengal.
- 22. Hooghly Docking and Engineering Company's Workshop, 6, Howrah Road, Salkia, P.O., Howrah.

23. Hukumchand Electric Steel Works, 8, Swinhoe Street, Ballygunge.
24. India Electric Works, 25, Dr. Suresh Sirkar Road, Entally Calcutta.
- 24A. India Electric Manufacturing Co., Ltd., Taratalla Road Garden Reach, P.O. Calcutta.
25. Indian Galvanizing Works, 4/2, Goho Road, Ghosery, Howrah.
26. India General Navigation and Railway Company, Limited, 44, Garden Reach, Calcutta.
27. Indian Iron and Steel Company's Hirapur Works, Burnpore, (Asansol).
- 27A. Indian Iron and Steel Company Ltd.'s Kulti Iron Works, Kulti.
28. Indian Malleable Castings, Limited, 44, Mahesh Mukherjee Road, Belgharia, 24 Pargannas.
29. Indian Oxygen and Acetylene Company Limited, 48, Diamond Harbour Road, Calcutta (P.O. Alipore).
30. Indian Standard Wagon Company's Santa Works, Asansol, Burnpur Post Office, Bengal.
31. The Indian Tube Company Limited, No. 1, Foreshore Road, Sahlimar, Howrah.
32. Jas. Alexander and Company's Engineering Works, 15, Watgunge Street, Kidderpore, Calcutta.
- 32A. Jay Engineering Works Ltd., 183/A, Prince Anwar Shah Road, P.O. Dhakuria, 24 Pargannas.
33. Jessop and Company, Limited—
  - (a) Dum Dum Mechanical Works, 11, Jessore Road, Dum Dum Cantonment, Bengal.
  - (b) Dum Dum Structural Works, North Barrack Road, Dum Dum Cantonment.
  - (c) Dum Dum Wagon Works, 11, Jessore Road, Dum Dum Cantonment.
34. Macnelli and Company's Garden Reach Workshop, 43/46, Reach, 24 Pargannas.
35. A & J. Main Limited's Structural Works, 151, Abdul Road Botanic Garden P.O. Sibpur, Howrah.
36. Maya Engineering Works, 23, Russa Road, South, Tollygunge, Calcutta.
37. Metal Box Company of India Limited, B-2, Hide Road, Kidderpore, Calcutta.
38. Port Engineering Works, Nazirgung, Howrah, Bengal.
39. Saxby and Farmer's Railway Signal Works, 17, Convent Road, Entally, Calcutta.
40. Shalimar Works, 63, Foreshore Road, Sibpur, Howrah.
- 40A. J. N. Sharma and Sons, Manufacturers and Engineers, 74, Barrackpore Trunk Road, Calcutta.

- 40B. J. N. sharma and Sons, Manufacturers and Engineers, 20/1, Shalimar Road, Shalimar House, Howrah.
- 41. Steel Corporation of Bengal's Napuria Works, Burnpore, Asansol.
- 42. J. Stone and Company (India) Limited, 5, Hide Road, Kidderpore (P.O. Dock Junction).

Province of Bihar.

- 43. Bengal Nagpur Railway—
  - (a) Adra Loco Shed, Adra, Manbhum District.
  - (b) Adra Power House, Adra, Manbhum District.
  - (c) Adra Wagon Repair Shop, Adra, Manbhum District.
  - (d) Anara Running Shed, Anara, Manbhum District.
  - (e) Engineering Workshop, Adra, Manbhum District.
  - (f) Loco Running Shed, Bhojudih, Manbhum District.
  - (g) Loco Running Shed, Chakardharpur, Manbhum District.
  - (h) Loco Running Shed, Tatanagar.
  - (i) Running Shed, Purulia, Manbhum District.
- 43A. Bararee Coke Works and Bye Products Works, P. O. Kusunda.
- 44. Bengal and North Western Railway—
  - (a) Engineering Workshop, Mokamehghat, Patna District.
  - (b) Muzaffarpur Running Shed, Muzaffarpur.
  - (c) Running Shed, Sonepore.
  - (d) Workshop, Barauni Junction.
  - (e) Workshop, Samastipur.
- 45. Eagle Rolling Mills, Kumardhubi, (E.I. Railway).
- 46. Kumardhubi Engineering Works Kumardhubi (East India Railway).
- 47. Kumardhubi Fireclay and Silica Works, Kumardhubi (East India Railway).
- 48. Indian Cable Company, P.O. Tatanagar, Bengal Nagpur Railway.
- 49. Indian Oxygen and Acetylene Company, Limited, Jamshedpur.
- 50. Indian Steel Wire Products Limited, Tatanagar.
- 51. Sijua (Jherriah) Electric Supply Company's Power Station, Bansjora, Manbhum District, Bihar.
- 52. Tata Iron and Steel Company's Works, Jamshedpur.
- 53. Tinplate Company of India Limited, Golmuri, Jamshedpur.

Province of Bombay.

- 54. Acme Manufacturing Company, Ltd. 26, Sleater Road, Bombay, 7.
- 55. Alcock Ashdown and Company, Ltd., Defence Works, Mazgaon, Bombay.

56. Asbestos Cement Company's Works, Mulund, Thana District.
57. B.E.S.T. Company Limited's Workshop, Tramway Works, Dadar, Bombay.
58. Bhagat and Sons, Structural Steel Works, Sewri, Fort Road, Bombay.
59. Bombay, Baroda and Central India Railway—
  - (a) Carriage and Wagon Workshop Mahaluxmi, Bombay.
  - (b) Electric Car Shed, Bombay Central.
  - (c) Electric Workshop, Bombay Central.
  - (d) Electrical Workshops, Dohad.
  - (e) Engine Shed, Parel, Bombay.
  - (f) Engineering Repair Workshop, Lower Parel Station, Bombay.
  - (g) Loco Carriage and Wagon Shop, Ahmedabad.
  - (h) Locomotive Workshops, Dohad.
  - (i) Running Shed, Bandra.
  - (j) Running Shed, Bulsar.
  - (k) Running Shed, Kankaria.
  - (l) Signalling and Engineering Works, Mahaluxmi, Bombay.
60. Bombay Port Trust Workshops, Clarke Bunder, Mazagon.
- 60A. Bombay Steam Navigation Co., Ltd.'s Workshops Patent Slip, Mazagon, Bombay.
61. Bombay Telephone Company's Workshop, Agripada, Gell Street, Bombay.
62. Colaba Bus Garage (B.E.S.T. Co., Ltd.), Colaba, Bombay.
63. Connaught Iron Works, Clarke Road, Pais Street, Byculla, Bombay.
64. Cooper Engineering Limited, Satara Road, Satara.
65. Crown Aluminium Works, Kalachowki, Parel, Bombay.
66. Dun Aluminium Factory, 107-109, Tardeo Road, Bombay.
67. Eastern Chemical Company Limited's Works, Bombay.
68. Electric Fan and Motor Works, Victoria Road, Mazagon, Bombay.
69. The Empress Iron and Brass Works, Parel, Bombay.
70. Firestone Tyre and Rubber Company of India Limited, Hay Bunder Road, Sewri, Bombay.
71. Ford Motor Company of India, Limited, Swadeshi Mill Compound, Charni Road, Bombay.
72. Garlick Engineering Works, Jacob Circle, Bombay.
73. General Motors (India), Limited, Fosbery Road, Sewri, Bombay District.
74. Godrej and Boyce Manufacturing Company, Limited, Lalbaug, Parel, Bombay.
75. Hattersley Hindusthan Engineering Company, Limited, 374/376, Arthur Road, Bombay.

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Notices given under sub-section (1) may be cancelled by a notice delivered to the office of the Inspector and a notice displayed in the factory not later than the day before the Sunday or the holiday to be cancelled, whichever is earlier.

(3) Where, in accordance with the provisions of sub-section (1), any worker works on a Sunday and has had a holiday on one of the three days immediately before it, that Sunday shall, for the purpose of calculating his weekly hours of work, be included in the preceding week.

#### **Daily hour.**

36. No adult worker shall be allowed to work in a factory for more than ten hours in any day :

Provided that a male adult worker in a seasonal factory may work for eleven hours in any day.

#### **Intervals for rest.**

37. The periods of work of adult workers in a factory during each day shall be fixed either—

- (a) so that no period shall exceed six hours, and so that no worker shall work for more than six hours before he has had an interval for rest of at least one hour ;
- (b) so that no period shall exceed five hours and so that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour, or for more than eight and a half hours before he has had at least two such intervals.

#### **Spread over.**

38. The periods of work of an adult worker in a factory shall be so arranged that along with his intervals for rest under Section 37, they shall not spread over more than thirteen hours in any day, save with the permission of the [Provincial Government]<sup>1</sup> and subject to such conditions

<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

- 75A. A. Hyland Ltd., Automobile Engineers, Hughes Road, Bombay.
76. Imperial Chemical Industries (India) Limited, Dyes Mixing Factory, Bombay.
77. Indian Oxygen and Accetylene Company, Limited, Byculla Bridge, Bombay.
78. Indian Smelting and Refining Company, Limited, 101, Sion Road, Sion, Bombay.
79. Indian Standard Metal Company, Limited, 156G. Shroff Wadi, Mazagon, Bombay 10.
80. Indian Tool Manufacturers, Limited, 101, Sion Road, Sion, Bombay.
81. Indian Vegetable Products Limited, Junction of Connaught Cross Road and Reay Road, Bombay.
82. Madras and Southern Mahratta Railway—
  - (a) Castle Rock Running Shed, Castle Rock.
  - (b) Locomotive Shed, Gadag.
  - (c) Loco Running Shed, Ghorpuri.
  - (d) Running Shed, Hubli.
  - (e) Train Lighting Workshop, Hubli.
  - (f) Workshop, Hubli.
83. Mazagon Dock Limited, Mazagon, Bombay.
84. McKenzies Limited, Saw Mill, Sewri, Bombay.
85. Metal Box Company of India, Limited, Worli, Bombay.
86. The Metal Rolling Works, 104, Sion Matunga, Estate, Sion (G.I.P.), Bombay.
87. Mukund Iron and Steel Works, Limited, Signal Till Avenue, Mazagon, Bombay.
88. The National Radio and Engineering Company Works, Mahaluxmi, Bombay, 11.
- 88A. Noble Steel Products Ltd., 37, Parel Road, Crosslane, Bombay.
89. Orient Metal Pressing Works, Mahaluxmi, Bridge, Bombay, 11.
90. Richardson and Cruddas Byculla Iron Works, Parel Rd., Bombay.
- 90A. Richardson and Cruddas Branch Works Nesbit Road Mazgaon, Bombay.
91. Shaparia Iron and Steel Works, Limited, Cross Lane, Parel, Bombay.
92. Sunderdas Saw Mills, Reay Road, Bombay.
93. E. Wimbridge and Company, 16, Sleater Road, Bombay.
94. Wolverhampton Works Company, Limited, Worli, Bombay.

Central Provinces and Berar.

95. Bengal Nagpur Railway Repairs Workshop.

96. District Loco and Carriage Suprintendent, Bengal Nagpur Railway, Engineering Workshop, Bilaspur.

**Delhi Province.**

97. The Ganesh Flour Mills Company, Limited, Subzimandi, Delhi.

**Province of Madras.**

98. Bengal Nagpur Railway Locomotive Running Shed, Wal-tair.
99. Ford Motor Company of India, Limited, Mount Road, Madras.
100. Madras Port Trust Workshoos Madras Harbour.
101. Madras and Southern Mahratta Railway—  
 (a) Engineering Workshops, Arakonam.  
 (b) Loco and Carriage Repairing Shed, Bitragunta.  
 (c) Loco and Carriage Repairing Shed, Rajamundry.  
 (d) Locomotive Repairing Shed, Bezwada.  
 (e) Loco Running Shed, Arakonam.  
 (f) Loco Running Shed, Donakonda.  
 (g) Loco Running Shed, Gooty.  
 (h) Loco Running Shed, Guntakal.  
 (i) Loco Running Shed, Jalarpet.  
 (j) Loco Running Shed, Pakala.  
 (k) Running Shed, Basin Bridge.  
 (l) Signal Works, Royapuram, Madras.
- 101A. Madras and Southern Mahratta Railway Workshops, Perambur.
102. P. Orr. and Son's Workshop, Mount Road, Madras.
103. Richardson and Cruddas Workshop, Royapuram, Madras.
- 103A. Simpson and Co., 203, Mount Road, Madras.
104. South Indian Railway—  
 (a) Car Shed, Tambaram.  
 (b) Loco and Carriage Workshops, Madura.  
 (c) Loco Repair Shop, Coonoor.  
 (d) Marine Workshop and Dry Dock, Mandapam.  
 (e) Telegraph Workshop, Trichinopoly.  
 (f) Workshops, Erode.  
 (g) Workshops, Trichinopoly.  
 (h) Workshops, Villupuram.

**Province of Orissa.**

105. Bengal Nagpur Railway—  
 (a) Loco Shed, Jharsuguda.  
 (b) Engine Shed, Khurda Road.

**Province of the Punjab.**

106. Attock Oil Company Limited, Oil Installations and Refinery, Morgha, Rawalpindi.

- 107. Bombay, Baroda and Central India Railway Workshop, Sirsa.
- 108. Devi Chand Kahanna Saw Mills, Ravi Park, Lahore.
- 109. The Ganesh Flour Mills Company, Limited. Lyallpur.
- 110. Indian Oxygen and Acetylene Company, Limited Grand Trunk Road, Lahore.

**Province of Sind.**

- 111. B. R. Herman and Mohatta Limited, Vulcan Iron Works, Wood Street, Karachi.
- 111A. Carstairs and Cumming, Ltd., Wood Street, Karachi.
- 111B. Karachi Engineering Works and Foundry, Karachi.
- 112. Karachi Port Trust—
  - (a) Engineering Workshop, Manora.
  - (b) Erskine Wharf Power Station, Keamari.

**The United Provinces.**

- 113. Brushware Limited, The Mall, Cawnpore.
- 114. Cawnpore Electric Supply Corporation Limited, Workshop and Transformer Station, Cawnpore.
- 115. Bengal and North Western Railway—
  - (a) Loco Carriage and Wagon Workshop, Gorakhpur.
  - (b) Running Shed, Baragaon, Gonda.
  - (c) Running Shed, Gorakhpur.
  - (d) Running Shed, Benares Cantonment.
- 115A. Cooper, Allen and Co., Army Boot Equipment Factory, Cawnpore.
- 115B. Cawnpore Chemical Works, Ltd., Anwar Ganj, Cawnpore.
- 116. Rohilkund and Kumaon Railway—
  - (a) Locomotives, Carriage and Wagon Workshop, Izatnagar, Bareilly.
  - (b) Loco Running Shed, Charbagh, Lucknow.
- 117. Singh Engineering Works, Cawnpore.

## National Service (Technical Personnel)

### Ordinance, 1941

#### NOTIFICATIONS.

No. 140.—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the National Service (Technical Personnel) Amendment Ordinance, 1940 (Ordinance No. XI of 1940) shall apply to British Baluchistan.

(Vide G. of B. Gaz. Part. IV-C. p. 1442 of 19-9-40)—



No. 3922/34—In exercise of the powers conferred by section (1) of section 92 the Government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the National Service (Technical Personnel) Amendment Ordinance, 1940 (Ordinance No XI of 1940), shall apply to partially excluded areas in the Province of Bombay.

(Vide G. of Bom. Gaz. Part IV-C. p. 1739 of 21-11-40).

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No. TRC 24—In exercise of the powers conferred by sub-clause (IV) of Clause (d) of section 2 of the National Service (Technical Personnel) Ordinance, 1940 (Ordinance II of 1940), Central Government is pleased to declare the undertakings specified below to be Industrial undertakings.

- (i) The British Tabulating Machine Co., Ltd., "Pratab Buildings, Connaught Circus, New Delhi.
- (ii) The British Tabulating Machine Co., Ltd., 17, Central Avenue, (South) Calcutta.
- (iii) The British Tabulating Machine Co., Ltd., Gresham Building, Esplanade Road, Bombay.

(Vide G. of B. Gaz. Part IV-C. p. 628/29 of 26-3-42).

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No. TRC (1) d/—Simla the 14th November, 1942.

In exercise of the powers conferred by sub-section (1A) of section 5 of the N.S. (T.P.) O., (O.No. II of 1942), the Central Government is pleased to empower the National Service Labour Tribunal instituted for the areas specified in column (1) of the schedule hereto annexed to exercise in relation to British subjects in the Indian states and in territories in Indian states in which jurisdiction is exercised by His Majesty through the Crown representative specified in column (2) and (3) respectively of the said schedule the function assigned to such Tribunals by the said Ordinance.

SCHEDULE.

Areas for which N.S.L.T.'s situated.	Names of Indian States.	Names of territo- ries in Indian Sta- tes in which juris- diction is exercis- ed by His Majesty through t h e Crown resrepresent- ative.
1. Province of Pun- jab and North West Frontier Province.	2. All Punjab and North West Front- ier States and Ka- shmir States.	3. Punjab states railway lands spe- cified in the Pun- jab states railway lands (application of laws) order, 1939.
United Province.	All Rajputana states (except Bi- kaner, Jaipur, Jo- dhpur, and Udaip- p u r ) Gawlior, Ranpur and Bena- res states.	Gwallior Residency areas.
Chief Commis- sioner's Provinces of Delhi, Ajmer, and Marwar.	Bikaner, Jaipur, Jodhpur, Udaipur states.	T h e Rajputana railway lands spe- cified in the Raj- putana Central Indian railway lands (application of laws) order, 1937 of the dis- trict of Abu.
The Central Pro- vince and Berar.	All Central Indian States and Chha- tisghar states.	The administered areas in the Cen- tral Indian Agency specified in the Central Indian administered areas (application of laws) order, 1937, and the Central Indian railway lands specified in

		the Rajputana Central Indian railway lands (ap- plication of laws) order, 1937.
Province of Ben- gal.	Sikkim, Cooch Be- har and Tripura States.	
Province of Behar. and Orissa.	M a y u r Bhanj and Orissa states.	
Province of Bom- bay.	Hyderabad west- ern Indian States, Baroda and Guja- rat States and Kolhapur and Deccan States.	The Thana circles in the Gujarat States Agency and the Dangs, the railway lands spe- cified in the West- ern Indian States full jurisdiction railway lands (ap- plication of laws) order, 1942, and the Western Indi- an States, Patiala jurisdiction rail- way lands (appli- cation of laws) or- der, 1942, the Kol- hapur Residency and the Wadi Ja- hagir, the canton- ment of Baroda, the administered area in the Hyder- abad States spec- ified in Hyderabad in the administer- ed area (applica- tion of laws) or- der, 1942, and the administered areas in the Western In- dian States Agen- cy specified in the Western Indian States administer.

		ed area (application of laws, order, 1942.
Province of Madras.	Mysore, Bengannar Pella, Sandore and Madras.	The Civil and Military stations of Bangalore.
Province of Sind and British Baluchistan.	A l l Baluchistan States.	
Province of Askan.		The Khasi States including Shillong administered areas and the British Reserve in Manipore.

(Vide G. of B. Gaz. Part IV-C pp. 2377-78 of 3-12-42).

## Weekly Holidays Act, 1942

### INDIA ACT, No. XVIII of 1942.

WHEREAS it is expedient to provide for the grant of Weekly Holidays to persons employed in Shops, Restaurants and Theatres; It is hereby enacted as follows:

#### Short title, extent and commencement.

1. (1) This Act may be called the Weekly Holidays Act, 1942.
- (2) It extends to the whole of British India.
- (3) It shall come into force in a Province or in a specified area within a Province only if the Provincial Government by notification in the Official Gazette so directs.

#### Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,
  - (a) "Establishment" means a shop, restaurant or theatre;
  - (b) "Day" means a period of twenty four hours beginning at midnight;

- (c) "Restaurant" means any premises in which is carried on principally or wholly the business of supplying meals or refreshments to the public or a class of the public for consumption on the premises but does not include a restaurant attached to a theatre ;
- (d) "Shop" includes any premises where any retail trade or business is carried on, including the business of a barber or hair-dresser, and retail sales by auction, but excluding the sale of programmes, catalogues and other similar sales at theatres ;
- (e) "Theatre" includes any premises intended principally or wholly for the presentation of moving pictures, dramatic performances or stage entertainments ;
- (f) "Week" means a period of seven days beginning at midnight on Saturday.

#### **Closing of shops.**

3. (1) Every shop shall remain entirely closed on one day of the week, which day shall be specified by the shop-keeper in a notice permanently exhibited in a conspicuous place in the shop.

(2) the day so specified shall not be altered by the shop-keeper more often than once in three months.

#### **Weekly holidays in shops, restaurants and theatres.**

4. Every person employed otherwise than in a confidential capacity or in a position of management in any shop, restaurant or theatre shall be allowed in each week a holiday of one whole day ;

Provided that nothing in this section shall apply to any person whose total period of employment in the week including any days spent on authorised leave is less than six days or entitle to an additional holiday a person employed in a shop who has been allowed a whole holiday on the day on which the shop has remained closed in pursuance of section 3.

**Additional half day closing or holiday.**

5. (1) The Provincial Government may, by notification in the Official Gazette, require in respect of shops or any specified classes of shops that they shall be closed at such hour in the after-noon of one week day in every week in addition to the day provided for by section 3 as may be fixed by Provincial Government, and in respect of theatres and restaurants or any specified class of either or both, that every person employed therein otherwise than in a confidential capacity or in a position of management shall be allowed in each week an additional holiday of one half-day commencing at such hour in the afternoon as may be fixed by the Provincial Government.

(2) The Provincial Government may, for the purposes of this section, fix different hours for different shops or different class of shops or for different areas or for different times of the year.

(3) The weekly day on which a shop is closed in pursuance of a requirement under sub-section (1) shall be specified by the shop-keeper in a notice permanently exhibited in a conspicuous place in the shop and shall not be altered by the shop-keeper more often than once in three months.

**No deduction or abatement to be made from wages.**

6. No deduction or abatement of wages of any person employed in an establishment to which this Act applies shall be made on account of any day or part of a day on which the establishment has remained closed or a holiday has been allowed in accordance with sections 3, 4, and 5, and if such person is employed on the basis that he would not ordinarily receive wages for such day or part of a day he shall none the less be paid for such day or part of a day the wages he would have drawn had the establishment not remained closed or the holiday not been allowed on that day or part of a day.

**Inspectors.**

7. (1) The Provincial Government may, by notification in the Official Gazette, appoint persons to be Inspectors

for the purposes of this Act within such local limits as it may assign to each such person.

(2) Every inspector appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

### **Power of Inspectors.**

8. (1) Subject to any rules made in this behalf by the Provincial Government, an Inspector may within the local limits for which he is appointed,—

- (a) enter and remain in any establishment to which the Act applies with such assistants, if any, being Servants of the Crown, as he thinks fit ;
- (b) make such examination of any such establishment and of any record, register or notice maintained therein in pursuance of rules made under clause (c) of sub-section (2) of section 10, and take on the spot or otherwise such evidence of any person as he may deem necessary for carrying out the purposes of this Act ;
- (c) exercise such other powers as may be necessary for carrying out the purposes of this Act.

(2) Any person having the custody of any record, register or notice maintained in pursuance of rules made under clause (c) of sub-section (2) of section 10 shall be bound to produce it when so required by the Inspector but no person shall be compellable to answer any question if the answer may tend directly or indirectly to criminate himself.

### **Penalties.**

9. In the event of any contravention of the provisions of section 3, of section 4, of a requirement imposed by notification under sub-section (1) of section 5, of section 6 or of the rules made under Clause (c) of sub-section (2) of section 10, the proprietor or other person responsible for the management of the establishment in which such contravention takes place shall be punishable with fine which may extend, in the case of the first offence, to twenty-five rupees

as it may impose, either generally or in the case of any particular factory.

**Notice of Periods for Work for Adults and preparation thereof.**

39. (1) There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub-section (2) of Section 76 a Notice of Periods for Work for Adults showing clearly the periods within which adult workers may be required to work.

(2) The periods shown in the Notice required by sub-section (1) shall be fixed beforehand in accordance with the following provisions of this Section and shall be such that workers working for those periods would not be working in contravention of any of the provisions of Sections 34, 35, 36, 37 and 38.

(3) Where all the adult workers in a factory are required to work within the same periods, the manager of the factory shall fix those periods for such workers generally.

(4) Where all the adult workers in a factory are not required to work within the same periods, the manager of the factory shall classify them into groups according to the nature of their work.

(5) For each group which is not required to work on a system of shifts, the manager of the factory shall fix the periods within which the group may be required to work.

(6) Where any group is required to work on a system of shifts and the relays are not to be subject to predetermined periodical changes of shifts, the manager of the factory shall fix the periods within which each relay of the group may be required to work.

(7) Where any group is to work on a system of shifts and the relays are to be subject to predetermined periodical changes of shifts, the manager of the factory shall draw up a scheme of shifts whereunder the periods within which any relay of the group may be required to work and the relay which will be working at any time of the day shall be known for any day.



and in the case of second or subsequent offence, to two hundred and fifty rupees.

**Rules.**

10. (1) The Provincial Government may, subject to the condition of previous publication by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may—

- (a) define the persons who shall be deemed to be employed in a confidential capacity or in a position of management for the purposes of sections 4 and 5.
- (b) regulate the exercise of their powers and the discharge of their duties by Inspectors ;
- (c) require registers and records to be maintained and notices to be displayed in establishments to which this Act applies and prescribe the form and contents thereof.

**Power of exemption and suspension.**

11. The Central Government in respect of establishments under its control, and the Provincial Government in respect of all other establishments within the province may, subject to such conditions, if any, as it thinks fit to impose, exempt any establishment to which this Act applies from all or any specified provisions of this Act, and may on any special occasion in connection with a fair or festival or a succession of public holidays, suspend for a specified period the operation of the Act.

# War Injuries Ordinance, 1941

## ORDINANCE No. VII of 1941.

*An Ordinance to make provision for the grant of relief in respect of certain personal injuries sustained during the continuance of the present hostilities.*

WHEREAS an emergency has arisen which renders it necessary to make provision for the grant of relief in respect of certain injuries sustained during the continuance of the present hostilities.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

**Short title, extent, and commencement.**

1. (1) This Ordinance may be called the War Injuries Ordinance, 1941.

(2) It extends to the whole of British India<sup>1</sup> and applies also to British subjects and servants of the Crown in any part of India.

(3) It shall come into force at once.

**Interpretation.**

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

(1) "civil defence organisation" means any organisation established for civil defence purposes which is declared by a scheme to be a civil defence organisation for the purposes of this Ordinance and the scheme.

(2) "civil defence volunteer," in relation to an injury, means a person certified, by an officer of a civil defence organisation authorised by the Central Government to grant such certificates, to have been a member of that organisation at the time the injury was sustained ;

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<sup>1</sup> Added vide Government of India Gazette Ex. P. 919 of 8-8-42 War Injuries (Second Amendment)-Ordinance 1942.

(3) "continuance of the present hostilities" means the period beginning with the commencement of this Ordinance and ending with such date as the Central Government may, by notification in the Official Gazette, declare to be the date on which the present hostilities terminated ;

(4) "gainfully occupied person " means a person who is engaged in any trade, business, profession, office, employment or vocation and is wholly or substantially dependent thereon for a livelihood, or a person who, though temporarily unemployed, is normally so engaged and dependent ;

(5) 'scheme" means a scheme made under this Ordinance ;

(6) "war injury"- means a physical injury—

(a) caused by—

(i) the discharge of any missile (including liquids and gas), or

(ii) the use of any weapon, explosive or other noxious thing, or

(iii) the doing of any other injurious act, either by the enemy or in combating the enemy or in repelling attack by the enemy ; or

(b) caused by the impact on any person or property of any enemy aircraft, or any aircraft belonging to or held by any person on behalf of or for the benefit of His Majesty or any allied power, or any part of, or anything dropped from, any such aircraft ;

(7) "War service injury," in relation to a civil defence volunteer, means any physical injury shown to the satisfaction of the Central Government or other authority authorised to make payments under a scheme to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, and (except in the case of a war injury) not to have arisen out of and in the course of his employment in any other capacity ;

Provided that before being so satisfied the Central Government or other authority authorised to make pay-

ments under a scheme shall have received from the civil defence organisation of which the volunteer concerned was a member at the time the injury was sustained, a report, by an officer of the organisation authorised by the Central Government to make such reports, about the injury in question.

**Power to make Schemes for relief in respect of war injuries and war service injuries.**

3. (1) The Central Government may make a scheme or schemes in accordance with the provisions of this Ordinance providing for the grant of relief in respect of the following injuries sustained during the continuance of the present hostilities, namely :—

- (a) war injuries sustained by gainfully occupied persons (with such exception, if any, as may be specified in the scheme) and by persons of such other classes as may be so specified ; and
- (b) war service injuries sustained by civil defence volunteers.

(2) A scheme may authorise the Central Government, or any authority authorised by the Central Government to make payment under the scheme, to such conditions as may be specified in the scheme, to make to or in respect of persons injured—

- (a) payments by way of temporary allowance, which shall be payable only so long as the person injured is incapacitated for work by the injury and has not received any such payment as is mentioned in clause (b).
- (b) payments otherwise than by way of temporary allowance, which shall be payable only where the injury causes serious and prolonged disablement or death ; and
- (c) payment for the purchases of or the grant at the cost of Government of artificial limbs or surgical or other appliances<sup>1</sup> (and payments for medical and surgical treatment).

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<sup>1</sup> Added vide War Injuries (Amendment) Ordinance 1942 published in Government of Bombay Gazette Part IV, p. 2 of 7-1-42.

(3) A scheme may empower the Central Government to make regulations for giving effect to the purposes of the scheme.

(4) A scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.

(5) A scheme may be amended or rescinded at any time by the Central Government.

(6) Any decision of the Central Government or other authority empowered to make payments under a scheme as to the making, refusal or amount, or as to the continuance or discontinuance, of a payment under a scheme may be varied from time to time by a subsequent decision of the Central Government or such authority as the case may be, but save in so far as it is so varied shall be final and conclusive.

**Relief from liability to pay compensation or damages.**

4. (1) In respect of war injury sustained during the continuance of the present hostilities by any person, and in respect of a war service injury sustained during that period by a civil defence volunteer, no such compensation or damages shall be payable, whether to the person injured or to any other person, as part from the provisions of this sub-section—

(a) would be payable under the Workmen's Compensation Act, 1923, or

(b) would, whether by virtue of any enactment or by virtue of any contract or at Common law, be payable—

(i) in the case of war injury, by any reason, or

(ii) in the case of a war service injury sustained by a civil defence volunteer, by the employer of the volunteer, or by any person who has responsibility in connection with the volunteer's duties as such or by any other civil defence volunteer, on the ground that the injury in question was attributed to some negligence, nuisance or breach of duty for which the per-

son by whom the compensation or damages would be payable is responsible.

(2) The failure to give a notice or make a claim or commence proceedings within the time required by any enactment shall not be a bar to the maintenance of proceedings in respect of any personal injury, if—

- (a) an application for a payment under a scheme has been duly made to the Central Government or other authority empowered to make payments under the scheme in respect of the injury ; and
- (b) the Court or other authority before which the proceedings are brought is satisfied that the said application was made in the reasonable belief that the injury was such that a payment could be made under the scheme ; and
- (c) the Central Government or other authority empowered to make payments under the scheme certifies that the application was rejected, or that payments made in pursuance of the application were discontinued, on the ground that the injury was not such as injury ; and
- (d) the proceedings are commenced within one month from the date of the said certificate.

#### Information as to earnings.

5. (1) Where it is necessary in order to determine the amount of any payment to be awarded under a scheme in respect of any injury, to ascertain the earnings of the person injured in respect of any period before he sustained the injury, the Central Government or other authority authorised to make payments under the scheme may by notice in writing require—

- (a) any person who was an employer of the injured person during that period, or
- (b) any person having any knowledge with respect to the financial circumstances of the injured person during that period.

to furnish in accordance with the notice any information in his possession relating to those earnings or circumstances, and to produce to any person specified in the notice any

wage books, records or other documents in his possession containing entries with respect to those earnings.

(2) If any person—

(a) fails to comply with the requirements of any such notice, or

(b) in purported compliance with any such notice knowingly or recklessly makes any untrue statement or untrue representation, or produces any document which is false in a material particular or calculated to deceive,

he shall be punishable with fine which may extend to three hundred rupees.

**Medical attention in dispensaries and hospitals.**

5A.<sup>1</sup> (1) The person managing any dispensary or hospital shall, if so required by the Central or Provincial Government by general or special order,—

(a) provide at the dispensary or hospital medical and surgical treatment for persons who have sustained injuries of the nature specified in sub-section (1) of section 3, and

(b) keep such records and make such returns relating to the persons treated for such injuries as may be required by or under a scheme.

(2) If any person fails to comply when so required with the provisions of this section he shall be punishable with fine which may extend to one thousand rupees.

**Penalty for false statement.**

6. Any person who, for the purpose of obtaining a payment or grant under a scheme either for himself or for any other person, knowingly makes any untrue statement or untrue representation shall be punishable with imprisonment for a term which may extend to three months.

**Assignments or charges to be void.**

7. Any assignment of, or charge on, and any agreement to assign or charge any payment awarded or to be

<sup>1</sup> Added vide War Injuries (Amendment) Ordinance, 1912 published in Government of Bombay Gazette Part IV. P. 2. 7-1-12.

awarded under a scheme shall be void, and, on the insolvency of any person to whom such a payment has been awarded, the payment shall not pass to any trustee or other person acting on behalf of the creditors.

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## War Injuries Ordinance, 1941

### SCHEME, 1942.

No. L. 1882, dated New Delhi, the 1st January, 1942.

In exercise of the powers conferred by sub-section (1) of section 3 of the War Injuries Ordinance 1941, the Central Government is pleased to make the following Scheme, namely :—

#### PART I.

#### INTRODUCTORY.

##### Short title and commencement.

1. This Scheme may be called the War Injuries Scheme, 1942.

(2) It shall come into force on 1st January 1942.

“(3) it extends to the whole of India including those excluded and partly excluded areas to which the Ordinance has been, or in hereafter be, applied by a notification under sub-section (1) of section 92 of the Government of India Act, 1935.

##### Interpretation.

2. (1) The General Clauses Act, 1897 (X of 1897), applies to the interpretation of this Scheme as it applies to the interpretation of an Act or Regulation.

(2) In this Scheme,—

(a) “Ordinance” means the War Injuries Ordinance, 1941 ;

(b) “civil defence organisation” means any such organisation as is mentioned in clause 3 of this Scheme ;

(c) “claims officer” means any authority appointed by



- the Central or any Provincial Government to make payments under this Scheme;
- (d) "competent medical authority" means any medical authority appointed for the purposes of this Scheme by the Provincial Government;
- (e) "injury for which relief may be given on the higher scale" means an injury which is—
  - (i) a war injury sustained by a civil defence volunteer, which is shown to the satisfaction of the Claims Officer to have arisen out of and in the course of the performance by the volunteer of his duties as a member of the civil defence organisation to which he belonged at the time the injury was sustained, or
  - (ii) a war injury sustained by a gainfully occupied or other person employed in any occupation specified in this behalf by Government while such person is present in the locality, similarly specified with reference to his place or employment, if on the day on which he sustained the injury or on either of the two days immediately preceding that day, he was working in the specified employment, or if, in the opinion of the Claims Officer, he was prevented by illness, injury or other responsible cause from working in the specified employment on any of these days."
- (f) "public funds" means money provided by the Central or a Provincial Government or by a local authority;
- (g) "qualifying injury" means an injury in respect of which a payment under this Scheme may be made.

**Civil defence organisations for purposes of Ordinance and Scheme.**

3. It is hereby declared that the organisations of persons specified in the Schedule I to this Scheme are "civil defence organisations" for the purposes of the Ordinance and this Scheme.

**Injuries in respect of which awards may be made.**

4. Subject to the provisions of this Scheme a payment under this Scheme may be made in respect of any injury sustained during the continuance of the present hostilities which is—

- (a) a war service injury sustained by a civil defence volunteer, or
- (b) a war injury sustained by a gainfully occupied person, or
- (c) a war injury sustained by any such other person or person of such other class as may be notified in this behalf by the Central Government, or
- (d) a war injury causing death, sustained by a person substantially dependent for his livelihood on a pension, annuity or other income ceasing with his death.

**PART II.****TEMPORARY ALLOWANCES.****Award of temporary allowance.**

5. Where a qualifying injury has incapacitated a person for work for a period of not less than seven consecutive days that person shall be entitled to be awarded in respect of that injury an allowance (in this Scheme referred to as a temporary allowance) in accordance with the following provisions of this Scheme.

**Conditions of payment of temporary allowance.**

6. A temporary allowance shall be payable only for so long as the person to whom it has been awarded is incapacitated for work by the injury in respect of which it has been awarded, and shall in no case be continued after the end of the sixth month from the date on which the injury was sustained.

(8) The [Provincial Government]<sup>1</sup> may make rules prescribing forms for the Notice of Periods for Work for Adults and the manner in which it shall be maintained.

**Copy of Notice of Periods of work to be sent to Inspector.**

40. (1) A copy of the Notice referred to in sub-section(1) of Section 39 shall be sent in duplicate to the Inspector within fourteen days after the commencement of this Act, or, if the factory begins work after the commencement of this Act, before the day on which it begins work.

(2) Any proposed change in the system of work in a factory which will necessitate a change in the Notice shall be notified to the Inspector in duplicate before the change is made, and, except with the previous sanction of the Inspector, no such change shall be made until one week has elapsed since the last change.

**Register of Adult Workers.**

41. (1) The manager of every factory shall maintain a register of Adult Workers showing—

- (a) the name of each adult worker in the factory,
- (b) the nature of his work,
- (c) the group, if any, in which he is included,
- (d) where his group works on shifts, the relay to which he is allotted, and
- (e) such other particulars as may be prescribed :

Provided that, if the Inspector is of opinion that any muster roll or register maintained as part of the routine of a factory gives in respect of any or all of the workers in the factory the particulars required under this Section, he may, by order in writing, direct that each muster roll or register shall to the corresponding extent be maintained in place of and be treated as the Register of Adult Workers in that factory :

Provided further that, where the [Provincial Government]<sup>1</sup> is satisfied that the conditions of work in any factory or class of factories are such that there is no appreciable risk of contravention of the provisions of this Chap-

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<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

**Mode of payment.**

7. Temporary allowances shall be paid half-monthly in arrears on the 1st and 16th of each month. If the incapacity for work ceases during a half-monthly period, no payment shall be made unless during that period the incapacity has existed for not less than seven days, in which case the payment shall be proportionately reduced.

**Rates of temporary allowances.**

8. Temporary allowances shall, subject to the provisions of clause 32 of this Scheme be payable at the following rates, namely:—

- (a) where the injury is one for which relief may be given on the higher scale, at the half-monthly rate of nine rupees;
- (b) in the case of any other injury, at the half-monthly rate of six rupees and twelve annas.

**Temporary allowance not to be drawn with disability pension.**

9. A temporary allowance shall cease to be payable to a person on the date on which a disability pension under Part III of this Scheme becomes payable to him.

**Failure to draw temporary allowance.**

10. Any payment by way of temporary allowance not drawn within three months from the date on which it might first have been drawn shall cease thereafter to be payable;

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the payment he may condone the delay.

**Awards in cases to which clause 30 applies.**

11. When a person who, but for the provisions of clause 30 of this Scheme, would have been entitled to be awarded a temporary allowance, reaches the age of fifteen, before the end of the sixth month from the date on which the qualifying injury was sustained, he shall, subject to all the provisions of this Chapter then become entitled to be awarded a temporary allowance.

## PART III.

**DISABILITY PENSIONS TO PERSONS WHO HAVE  
SUSTAINED INJURIES CAUSING SERIOUS AND  
PROLONGED DISABLEMENT**

**Disability pensions.**

12. Where a qualifying injury sustained by a person causes him serious and prolonged disablement, he shall be entitled to be awarded in respect of that injury a pension (in this Scheme referred to as a disability pension), in accordance with the following provisions of this Scheme.

**Assessment of degree of disablement.**

13. (1) For the purpose of assessing the rate of disability pension, disablements shall be expressed in percentages as set forth in the Schedule II to this Scheme. Where there is more than one disablement the total disablement shall be expressed as the sum of the disablements, so however as not in any case to exceed 100 per cent.

(2) When the wound, injury or illness causing the disablement is one not provided for in the Schedule II to this Scheme, the disablement shall be estimated by a competent medical authority, at the percentage shown in the Schedule most closely corresponding to it.

**Rates of disability pensions.**

14. (1) Where the disablement resulting from a qualifying injury is expressed or estimated as 10 percent., or over, a disability pension shall subject to the provisions of clause 32, be awarded at the following rates, namely :—

Where the percentage of disablement is	If the injury is one for which relief may be given on the higher scale. Rs. per mensem.	If the injury is not one for which re- lief may be given on the higher scale. Rs. per mensem.
100	18	13 8 0
90	16	12 0 0
80	14	10 8 0
70	13	9 12 0
60	11	8 4 0
50	9	6 12 0
20 to 40	8	6 0 0
10	6	5 0 0

(2) Where the disablement is not more than 50 per cent., the Claims Officer may, if he is satisfied that the injured person is not debarred from all means of livelihood, substitute for the disability pension a lump sum payment calculated at 70 times the monthly payment specified in the foregoing sub-clause.

**Commencement of disability pension, revision of award after two years or otherwise.**

15. (1) If before the end of the sixth month from the date on which the injury was received, the competent medical authority certifies that the disablement caused to a person by a qualifying injury is permanent and incapable of diminution, the Claims Officer may at once award to that person, in accordance with sub-clause (1) of clause 14, a disability pension payable for life, or in accordance with sub-clause (2) of clause 14, a lump sum payment.

(2) If at the end of the six months from the date on which the injury was received, or at any time within those six months when the injured person ceases to be entitled to a temporary allowance, it remains uncertain whether the disablement is permanent and incapable of diminution, the pension shall in the first instance be awarded for two years only, and, on the expiry of those two years, shall be awarded for life in accordance with the assessment then made by the competent medical authority of the percentage of disablement subsisting.

(3) Where a disability pension, but not a lump sum payment in substitution therefor, has been awarded, and thereafter the disablement increases to a higher percentage than that on which the award was based and such increase is certified by a competent medical authority to be attributable to the original qualifying injury, the Claims Officer may increase the disability pension to the appropriate higher rate with effect from the date on which the increased disablement is established by the certificate of the competent medical authority.

(4) Where a disability pension, but not a lump sum payment in substitution therefor, has been awarded, and

thereafter the disablement decreases to a lower percentage than that on which the award was based, the Claims Officer may decrease the disability pension to the appropriate lower rate with effect from the date on which the decreased disablement is established by the certificate of the competent medical authority.

#### **Mode of payment.**

16. Disability pensions shall be payable quarterly in arrears ;

Provided that if the Claims Officer considers that this course may result in hardship in any particular case he may order that the pension shall be payable monthly in arrears.

#### **Cancellation of award on failure to draw pension.**

17. (1) Where a person to whom a disability pension has been awarded, fails to draw that pension for a continuous period of not less than twelve months, the Claims Officer shall cancel the award, and no payment of the arrears of that pension shall be made.

(2) Where a person, to whom a lump sum payment has been awarded under sub-clause (2) of clause 14 fails to draw that sum within twelve months from the date of the award, the Claims Officer shall cancel the award and no further claim to pension or to lump sum payment shall be entertained :

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure referred to in sub-clause (1) of this sub-clause, he may condone the failure.

#### **Awards in cases to which clause 30 applies.**

18. When a person who, but for the provisions of clause 30 of this Scheme, should have been entitled to be awarded a disability pension, reaches the age of fifteen, he shall then become entitled to be awarded a disability pension, the amount of the award being based on his disablement as assessed at the time he reached the age of fifteen.

PART IV

**FAMILY PENSIONS AND CHILDREN'S ALLOWANCES.**

**Family pensions and children's allowances purpose and amount.**

19. (1) When a person dies as the result of a qualifying injury, there shall be payable, in accordance with the following provisions of this Scheme—

(a) to one surviving eligible member of his family a pension, in this Scheme referred to as family pension, and

(b) to each of his legitimate children an allowance in this Scheme referred to as a child's allowance.

(2) A family pension, though payable to one surviving eligible member of a family only, is intended for the support of all surviving eligible members of the family.

(3) The amount of family pension shall, subject to the provisions of clause 32 of this Scheme, be eight rupees monthly.

(4) The amount of the child's allowance shall, subject to the provisions of clause 32 of this Scheme, be two rupees monthly for each child so long as a family pension continues to be paid to any surviving eligible member of the family, and three rupees monthly for each child if no family pension is being paid.

(5) If the person to whom a family pension is payable is a minor, the pension shall be paid for the benefit of the eligible members of the family to the legal guardian of such a person.

(6) A child's allowance payable to a minor child shall, unless the Claims Officer otherwise directs, be paid for the benefit of the child to the person to whom the family pension under the award is payable, or if such person is himself a minor or if no family pension is payable under the award, to the legal guardian of the child.

**Members of a family who are eligible.**

20. "Eligible member of a family" means, in relation to a person dying as the result of a qualifying injury,—



- (i) his widow lawfully married by a valid ceremony ;
  - (ii) his father ;
  - (iii) his mother ;
  - (iv) a legitimate son but not an adopted son ;
  - (v) a legitimate daughter but not an adopted daughter ;
- provided in each case that none of the conditions necessary for eligibility under clause 21 is infringed.

### Conditions of eligibility.

21. The following are the conditions governing the eligibility of the five classes of persons mentioned in clause 20—

(1) A widow shall not be eligible if she remarries, unless such marriage is with her deceased husband's brother and she continues to live a communal life with, or to contribute to the support of, other living eligible members.

(2) The father shall not be eligible if at the time of the qualifying injury he is below the age of 50, unless he is physically or mentally unable to support himself, but he becomes eligible on attaining the age of 50.

(3) The mother shall not be eligible if at the time of the qualifying injury the father of the deceased is still alive, but shall become eligible on his death for so long as she remains unmarried. If she is a widow at the time of the qualifying injury she shall continue to be eligible only so long as she remains unmarried. If at the time of the qualifying injury she was already remarried to a husband other than the father of the deceased she shall be eligible and shall continue to be eligible if thereafter widowed for so long as she remains unmarried.

(4) A son shall not be eligible if he is above the age of 15 unless he is physically or mentally unable to support himself.

(5) A daughter shall not be eligible, if she has a husband living, or marries.

### Family pension by whom to be received.

22. (1) Where there are surviving eligible members of more than one of the classes specified in the list in clause 20, the family pension shall be payable to the member spe-

ified earliest in that list, of two or more widows the longest married taking precedence, and of two or more children the eldest taking precedence.

(2) Where there is no widow surviving and the family pension has not been made payable to the father of the deceased solely because the father had not yet reached the age of fifty, it shall unless it has under the provisions of sub-clause (3) of this clause ceased to be payable, be made payable to him on his attaining the age of fifty, subject to the sub-clause next following.

(3) When the member to whom the family pension is payable under the foregoing provisions of this clause dies or ceases to be eligible, then, whether there are other eligible members surviving or not, the family pension shall cease altogether to be payable except as provided in clause 25.

(4) No claim to receive a family pension shall be entertained if made by a member who has, by the time the claim is preferred, already ceased to be eligible.

**Date from which family pension takes effect.**

23. A family pension when awarded shall become payable as from the day following that on which the qualifying injury causing the death was sustained :

Provided that where the family member, to whom the pension would have been payable on that day, has, before the Claims Officer has made the award, died or ceased to be eligible and the pension has consequently become payable to another member, the pension shall be payable to the last mentioned member as from the day following that on which the first mentioned member died or ceased to be eligible, and the arrears from the day following that on which the qualifying injury occurred up to the day on which the first mentioned member died or ceased to be eligible shall, subject to the provisions governing the payment of belated claims, be paid to the first mentioned member of his estate:

Provided further that if, before the Claims Officer has made the award, all the members who were eligible on the day following that on which the qualifying injury occurred

have died or ceased to be eligible, the Claims Officer shall have full power to dispose of any arrears as he may think fit.

**Division of family pensions.**

24. (1) If the claims Officer is satisfied, on application made to him, that the member to whom a family pension is payable refuses to contribute reasonably to the support of the other eligible members of the family or that a family pension payable to a child is not being utilised for the benefit of the other eligible member of the family, he may divide the pension at his discretion among all the eligible members and make it payable as so divided to each member individually.

(2) Any such division shall not affect the provisions contained in sub-clause (3) of clause 22 but, so long as the member to whom the pension is originally awarded continues to be alive and eligible, if any member receiving one of the divided portions of the pension dies or ceases to be eligible, his share shall be added to the amount distributable to the member or members still surviving and eligible.

(3) A division under this clause shall not ordinarily be made at the instance of children in receipt of children's allowances, but the Claims Officer may even in such a case at his discretion make a division of the family pension to avert special hardship.

**Continuance of family pension.**

25. (1) A family pension which ceases to be payable under sub-clause (3) of clause 22 may, either in whole or in part, be continued by the Claims Officer or be made again payable, if he is satisfied that by the cessation of the pension the father or mother of the deceased or both who would but for the operation of that sub-clause have been at the time eligible members of the family, are left destitute.

(2) If the Claims Officer decides to continue or restore a family pension under the foregoing provisions of this clause, the pension shall be payable, from such date as the Claims Officer may fix, not being earlier than the date on which the application for continuance or restoration is first received by the Claims Officer, to the father if living

and would have been eligible at the time but for the operation of sub-clause (3) of clause 22 or, if the father is not living, to the mother if she would have been eligible at the time but for the operation of these sub-clauses ; but the amount of the pension shall be reduced by the amount of any income from permanent sources available to the father or mother or both.

(3) A family pension so continued or restored shall cease altogether to be payable when the person to whom it is continued or restored dies or ceases to be eligible.

**Duration of payment of children's allowances.**

26. A child's allowance shall cease to be payable—

(a) to a male on his attaining the age of 15 ; and

(b) to a female on her attaining the age of 16 or on her marriage, whichever of these dates is the later.

Provided that the Claims Officer may, if satisfied that the person to whom allowance is payable is physically or mentally unable to support himself, continue the allowance, so however that it shall cease to be payable to a female on her marriage.

**Mode of payment of family pensions and children's allowances.**

27. Family pensions and children's allowance shall be paid quarterly in arrears :

Provided that, if the Claims Officer considers that this course might result in hardship in any particular case, he may order that the pension or allowance shall be payable monthly in arrears.

**No award when death occurs more than seven years after injury.**

28. No award of family pension or child's allowance shall be made in any case where the death giving rise to the claim occurs more than seven years after the date on which the qualifying injury causing the death was sustained.

29. Where a family pension or child's allowance which has been awarded has not been drawn for a continuous

period of not less than 12 months the Claims Officer shall cancel the award, and no payment of the arrears of that pension or allowance shall be made ;

Provided that if the Claims Officer is satisfied that there were good and sufficient reasons for the failure to draw the pension or allowance during each period he may condone the failure.

## PART V

### PROVISIONS APPLICABLE TO AWARDS GENERALLY.

**No awards in respect of war injuries to gainfully occupied persons under fifteen years of age.**

30. No payment under this Scheme shall, save as provided in clauses 11 and 18, be made in respect of any war injury sustained by a gainfully occupied person who is under the age of fifteen.

#### **Applications for awards.**

31. (1) Except where the Claims Officer in any special case otherwise directs, an award under this Scheme shall not be made unless an application for that award is made in the manner prescribed by the regulations made under this Scheme and within the following periods, namely :—

- (a) where the claim is for a temporary allowance to a person incapacitated for work, a period of three months from the date of the qualifying injury, or if the incapacity first supervened after that period, a period of three months from the inception of the incapacity ;
- (b) where the claim is for a disability pension, a period of three months from the date of the qualifying injury, or if the injury necessitated immediate treatment in hospital, a period of three months from the date of discharge from hospital.
- (c) where the claim is for a family pension or child's allowance, a period of three months from the date of the death of the person whose death gave rise to the claim.

ter in the case of that factory or factories of that class, as the case may be, the [Provincial Government]<sup>1</sup> may, by written order, exempt, on such conditions as it may impose, that factory or all factories of that class, as the case may be, from the provisions of this Section.

(2) The [Provincial Government]<sup>1</sup> may make rules prescribing the form of the Register of Adult Workers, the manner in which it shall be maintained and the period for which it shall be preserved.

**Hours of work to correspond with Notice under Section 39 and Register under Section 41.**

42. No adult worker shall be allowed to work otherwise than in accordance with the Notice of Periods for Work for Adults displayed under sub-section (1) of Section 39 and the entries made beforehand against his name in the Register of Adult Workers maintained under Section 41.

**Power to make rules exempting from restrictions.**

43. (1) The [Provincial Government]<sup>1</sup> may make rules defining the persons who hold positions of supervision or management or are employed in a confidential position in a factory, and the provisions of this Chapter, [other than the provisions of clause (b) of sub-section (1) of Section 45 and of the provisoes to that sub-section,]<sup>2</sup> shall not apply to any person so defined.

(2) The [Provincial Government]<sup>1</sup> may make rules for adult workers providing for the exemption, to such extent and subject to such conditions as may be prescribed in such rules,—

- (a) of workers engaged on urgent repairs—from the provisions of Sections 34, 35, 36, 37 and 38 ;
- (b) of workers engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid

<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were inserted by s. 2 of the Factories (Amendment) Act, 1935 (IX of 1935).

### Limitations on amount of awards.

$$^1(a_i) \quad * \quad * \quad * \quad *$$

(c) while such persons is under treatment in a hospital, the amount which would otherwise be payable shall be reduced by 20 per cent.

**Payment under this Scheme not to be drawn in addition to other payment from public funds.**

1 The words "where such person is a woman, the amount shall be reduced by 20 per cent." deleted vide. G. of Bombay Gazette Part IV-c p. 313 of 11-5-14.

**Two payments under this Scheme not to be drawn by same person.**

34. No person in receipt of an allowance or pension under this Scheme shall be allowed to draw another allowance or pension of a different kind under this Scheme until the allowance or pension previously drawn is surrendered.

**Advance payment by employers and recovery thereof from awards.**

34.<sup>1</sup> (1) A person sustaining a war injury or a war service injury or in the event of his death, a person, if any to whom a family pension would be payable under this scheme may accept from the employer of the injured person an advance payment not exceeding Rs. 50 upon the condition that the employer shall be entitled to recover the sum in the manner thereafter provided for the award or awards, if any, made under this scheme in respect of the injury.

(2) Upon acceptance of an advance payment in accordance with sub-clause (1), the recipient shall give to the employer a receipt therefor in duplicate in the form prescribed in the War Injuries Regulations, 1942; and the employer shall thereupon award one copy of the receipt to the Claims Officer having jurisdiction in the area where the injury was sustained.

(3) When making an award under this scheme for injury in respect of which the employer of the injured person has awarded a receipt in the same form for advance payment made by him the Claims Officer shall give upon any award which he may make in respect of the said injury a direction requiring the repayment of the advance payment to the employer from the amount of the award—

- (a) where the award is for lump sum in pursuance of sub-clause (2) of clause 14, in a lump sum, or
- (b) in all other cases instalments at the time of making payments of the award, at such rate as the Claims Officer may think fit, not exceeding half of

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<sup>1</sup> Inserted vide. Government of Bombay Gaz. Part IV-C pp. 2295-96 of 5-11-42.



the quarterly, monthly or half monthly payment under the award, as the case may be.

(4) Where by reason of the subsequent death of the injured person or for any other cause, the Claims Officer has occasion to modify his award or make a sufficient award in respect of injury he shall make a similar direction therein in respect of such amount of the advance payment as remains unrepaid.

(5) Nothing in excess of the amount, if any, awarded under this scheme in respect of the injury shall be recoverable under this clause."

**Awards when to be made.**

35.<sup>1</sup> (1) Subjects to the provisions of this scheme an award under the scheme may be made in respect of—

- (a) an injury sustained within British India, or
- (b) an injury sustained outside British India but within India by a British subject or by a servant of the Crown.

(2) No award under this scheme shall be made in respect of—

- (a) an injury sustained anywhere outside India, or
- (b) an injury sustained outside British India by a person other than a servant of the Crown, ordinarily resident outside British India ;

Provided that nothing in this sub-clause shall preclude the making of an award in respect of a war injury sustained by a British subject while travelling between one place in India and any other place in India.

(3) The Claims Officer may withhold or cancel the award of any payment under this scheme if he is satisfied that the person to whom the award might be or has been made, who is or has become ordinarily resident outside British India, except in cases where the person sustaining the injury is ordinarily resident outside British India in connection with duty as a servant of the Crown.

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<sup>1</sup> Substituted for original clause vide Government of Bombay Gazette Part IV-c page 2303-4 of 12-11-12.

**Effect of contributory negligence.**

36. Where the qualifying injury, or where the incapacity for work, disablement or death resulting from a qualifying injury is shown to the satisfaction of the Claims Officer to be mainly attributable to the negligence or misconduct of the person sustaining the injury, the Claims Officer may withhold or cancel any award which might be or has been made under this Scheme in respect of their injury or may reduce the amount of the award.

**Effect of desertion of post by member of civil defence organisation.**

37. When the person sustaining a qualifying injury is a member of a civil defence organisation and it is shown to the satisfaction of the Claims Officer that such person when required by Government order to be present in a certain locality, or at a certain post failed to be present or being present failed to remain in that locality or at that post as the case may be, the Claims Officer may withhold or cancel any award which might be or has been made under this Scheme in respect of that injury.

**Effect of refusal to undergo medical treatment or operation.**

38. Where a person who has sustained a qualifying injury refuses to undergo medical treatment or an operation calculated to restore his health or to cure or reduce a disablement caused by the qualifying injury, and a competent medical authority certifies that such refusal is in the circumstances unreasonable, then :—

- (a) if the person dies, and a competent medical authority certifies that the death was due to the refusal to undergo medical treatment or an operation, no family pension or child's allowance shall be awarded ;
- (b) if a competent medical authority certifies that medical treatment or an operation will cure the disablement caused by the qualifying injury, no disability pension shall be awarded ; and
- (c) if a competent medical authority certifies that medical treatment or an operation will reduce the

disablement to a lower percentage, a disability pension appropriate to that lower percentage only shall be awarded.

**Obligation to submit to medical examination.**

39. (1) Any person in receipt of a temporary allowance or disability pension shall, if required by the Claims Officer by notice in writing so to do, submit himself for medical examination by the competent medical authority:

Provided that a person shall not be required so to present himself—

- (a) if in receipt of a temporary allowance, at intervals of less than two months, or
- (b) if in receipt of a disability pension which has not been awarded for life, at intervals of less than six months, or
- (c) if in receipt of a disability pension which has been awarded for life, at intervals of less than two years.

(2) Where any person refuses or, without reasonable cause, fails to submit himself for medical examination when required so to do under sub-clause (1), the Claims Officer may cancel with effect from the date of such refusal or failure, the award of allowance or pension made to that person.

(3) Where the award has been cancelled under sub-clause (2), the Claims Officer may refuse to entertain any subsequent application for an allowance or pension under the scheme in respect of the injury for which the cancelled award was made.

**Where payee is incapable of managing his own affairs.**

40. If the person to whom a pension or allowance under this Scheme has been awarded has not attained the age of eighteen years, or if he is, in the opinion of the Claims Officer, mentally infirm so as to be incapable of managing his own affairs, or if in any other case the Claims Officer considers it in the interest of that person, the Claims Officer, may either of his own motion or on application made to him, pay the pension or allowance to any other person whom the Claims Officer thinks best fitted to provide for

the welfare of the person to whom the award has been made, or may apply the amount in any other manner for his benefit.

**Cancellation of award on conviction for an offence.**

41. Where a person to whom a pension or allowance under this Scheme might be or has been awarded is convicted by a Court of an offence and sentenced to a term of imprisonment or detention in a Borstal school, the Claims Officer may withhold or cancel the award.

**Claims Officer's power to review and alter awards.**

42. The Claims Officer may at any time review any award made under this Scheme and if it appears to him that<sup>1</sup> by reason of a mistake of fact or a change in the condition or circumstances of the person to whom the award was<sup>2</sup> made or for any other reason whatsoever it is expedient so to do, he may increase or reduce the rate of any pension or allowance awarded or cancel the award or make a fresh award ;

Provided that no pension or allowance shall be increased beyond the limits specified in, or for the purposes of, this Scheme.

**Reviewing authority.**

42A.<sup>3</sup> (1) An authority appointed in this behalf by the Provincial Government may if it thinks fit and subject to special clause (2) review any award made or order passed under this scheme by the Claims Officer.

(2) The provisions of clauses 42 and 43 shall apply *mutatis mutandis* to review under special clause (1).

**Decisions under this Scheme.**

43. All matters falling to be decided under this Scheme in connection with the award of payments under the Scheme shall, where other specific provision is not made in this Scheme, be decided by the Claims Officer; but in all matters relating to the extent or effect of injuries, the existence or non-existence of incapacity for work, and

<sup>1</sup> The word 'that' inserted vide Govt. of Bombay Gazette Part IVc p. 1345 of 11-6-42.

<sup>2</sup> Word "was" substituted for the word "has" vide, *ibid.*

<sup>3</sup> Inserted vide Govt. of Bombay Gaz. Part IVc. pp. 1345-46 of 11-6-42.

degrees of disablement, the Claims Officer shall decide in accordance with the opinion of, or a certificate given by, a competent medical authority.

**Power of Central Government to vary rates.**

44. The Central Government may at any time by notification in the Official Gazette alter the rate of payments which may be awarded under this Scheme.

**Exceptional cases of hardship.**

45. Exceptional cases of hardship not covered by the provisions of this Scheme may be submitted by the Provincial<sup>1</sup> Government or Claims Officer to the Central Government which may make such orders as he thinks fit.

**Payment for medical and surgical treatment.**

46. The Central Government or any officer authorised by the Central Government may, in accordance with any regulations made in this behalf, make payments for medical and surgical treatment provided for persons who have sustained qualifying injuries.

**Power of Central Government to make regulations.**

47. The Central Government may make regulations for giving effect to the purposes of this Scheme.

**SCHEDULE I.**

1. The following organisations when established by the Central or Provincial Government :—

- (a) Auxiliary Fire Service.
- (b) Control and Report Service.
- (c) Air-raid Warden Service.
- (d) Fire Prevention Service.
- (e) First aid, Casualty and Ambulance Service.
- (f) Rescue Service.
- (g) Gas identification Service.
- (h) Decontamination Service.
- (i) Messenger Service.
- (j) Instructor Service.
- (k) Mortuary Service.

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<sup>1</sup> Added vide, *ibid*

- (l) Such othe air-raid precautions and other defence organizations as may be established by the Provincial Government.

2. The following organisations when recognised for the purposes of this Scheme by the Central or Provincial Government :—

Private Organizations to carry out any of the following services :—

- (i) Decontamination Service.
  - (ii) Messenger Service.
  - (iii) Fire Service.
  - (iv) Raid Spotter Service.
  - (v) Keymen Service.
  - (vi) Public Utility Emergency Repairs Service.
  - (vii) Auxiliary Nursing Service (A.R.P. Branch).
  - (viii) Control and Report Service.
  - (ix) Air-raid Warden Service.
  - (x) Fire Prevention or Watcher's Service.
  - (xi) First Aid, Casualty and Ambulance Service (including drivers).
  - (xii) Rescue Service.
  - (xiii) Stretcher Service.
  - (xiv) Any other Services designated in this behalf by order of the Central or Provincial Government.
3. Civil Pioneer Forces.
4. Civic Guards, and Defence Volunteers.

## SCHEDULE II.

(i) For the purpose of the assessment of the rate of disability pension, disabilities shall be expressed in percentages as follows :—

Item No.	Injury.	Percentage of Disability.
1.	Loss of two or more limbs.	100
	Lunacy.	
	Jacksonian epilepsy.	

Very severe facial disfigurement.	90
Total loss of sight.	70
2. Loss of right arm above or at the elbow.	
3. Severe facial disfigurement.	90
Total loss of speech.	70
Loss of left arm above or at the elbow.	
Loss of right arm below the elbow.	
4. Loss of leg at or above the knee.	60
Loss of left arm below the elbow.	
Loss of leg below the knee.	
Permanent total loss of hearing.	
5. Loss of one eye.	50
Loss of right thumb or four fingers of right hand.	
6. Loss of all toes of both feet above knuckle.	40
Loss of left thumb of four fingers of left hand or three fingers of right hand.	
7. Loss of all toes of one foot above knuckle.	30
Loss of all toes of both feet at or below knuckle.	
8. Limited restriction of movement of joints through injury without penetration, limited function of limb through fracture.	20
Loss of two fingers of either hand.	
Compound fracture of thumb or two or more fingers of either hand with impaired function.	
9. Loss of one phalanx of thumb	10
Loss of index finger.	
Loss of great toe.	

No. L-1882, dated New Delhi, the 1st January 1942.

In exercise of the powers conferred by clause 47 of the War Injuries Scheme, 1942, the Central Government is pleased to make the following Regulations, namely :—

**Title.**

1. (a) These Regulations may be called the War Injuries Regulations, 1942.  
(b)<sup>1</sup> They extend to the whole of British India, including those excluded and partially excluded areas to which the War Injuries Scheme, 1942, applies.

**Interpretation.**

2. In these Regulations "Scheme" means the War Injuries Scheme, 1942, "Form" means a Form appended to these Regulations and other expressions have the same meaning as in the Ordinance or the Scheme.

**Repayment of advance payment made by employers.**

2A. (a) Receipt for an advance payment accepted in accordance with sub-clause (1) of clause 34A of the scheme shall be in form HH.

- (b) repayment of advance payment or of instalments thereof in pursuance of deduction in an award shall be made to the employer concerned by M.O. at the employer's cost by the Post-office at which award is payable at the time of making the payment under the award from which the repayment of the advance payment or instalment thereof is to be recovered.

**Casualty Reports.**

3. (a) Every leader of a first-aid party shall attach to each casualty a tie-on label in Form A1.  
(b) Every officer in charge of a first-aid post shall maintain a record of cases coming to his post in Form A2.  
(c) Every person in charge of a hospital or dispensary shall maintain a record of war injuries or war service injuries treated and documents in the Forms B1, B2, B3 and B4. He shall also maintain a list of patients under treatment in Form B5.

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<sup>1</sup> Added vide Government of Bombay Gaz. Part IVC p. 2324 of 19-11-42



down for the general working of the factory—from the provisions of Sections 34, 36, 37 and 38 ;

- (c) of workers engaged in work which necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals for rest required under Section 37—from the provisions of Sections 34, 36, 37 and 38 ;
- (d) of workers engaged in any work which for technical reasons must be carried on continuously throughout the day—from the provisions of Sections 34, 35, 36, 37 and 38 ;
- (e) of workers engaged in making or supplying articles of prime necessity which must be made or supplied every day—from the provisions of Section 35 ;
- (f) of workers engaged in a manufacturing process which cannot be carried on except during fixed seasons—from the provisions of Section 35 ;
- (g) of workers engaged in a manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces—from the provisions of Section 35 and Section 37 ; and
- (h) of workers engaged in engine-rooms or boiler-houses—from the provisions of Section 35.

(3) Rules made under sub-section (2) providing for any exemption may also provide for any consequential exemption from the provisions of Sections 39 and 40 which the [Provisional Government]<sup>1</sup> may deem to be expedient, subject to such conditions as it may impose.

(4) In making rules under this Section the [Provincial Government]<sup>1</sup> shall prescribe the maximum limits for the weekly hours of work for all classes of workers, and any exemption given, other than an exemption under clause (a) of sub-section (2), shall be subject to such limits.

(5) Rules made under this Section shall remain in force for not more than three years.

<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

- (d) Every officer in charge of a first aid post or person in charge of a hospital or dispensary shall, as soon as possible, after the admission of a person sustaining a war injury or a war service injury, send a signed report in the appropriate Form to the Claims Officer.
- (e) It shall be the duty of the police to ascertain the name and other particulars of all persons who are killed or who die before admission to hospital and report the circumstances to the Claims Officer, and every police officer shall make such further reports as the Claims Officer may from time to time call upon him to do.

**Medical Authorities.**

- 4. (a) The Provincial Government may constitute Medical Authorities, for such areas and for such purposes of the Scheme and these Regulations as it may deem necessary, and consisting of such number of persons as it may think fit. Members of such Medical Authorities shall be registered medical practitioners or Medical Officers of Government, and if there is more than one member in any Authority, one of them shall be appointed by the Provincial Government to be the President.
- (b) The Claims Officer may refer any medical question to the Medical Authority for its opinion.
- (c) For the purposes of certification of incapacity for work the Claims Officer shall ordinarily obtain a certificate from a medical officer not lower in rank than an Assistant Surgeon or such other medical practitioner as may be specified by Provincial Government.
- (d) The Claims Officer shall ordinarily refer all cases relating to the grant of pensions to the Medical Authority.

**Applications for temporary allowances.**

- 5. An application for a temporary allowance shall be made in Form C to the Claims Officer by the person who

has sustained the qualifying injury, through the person in charge of the hospital or dispensary where he received or is receiving treatment, or if he did not receive treatment in any hospital or dispensary, through the officer in charge of the First Aid Post at which he received attention or the officer in charge of the Police Station or First Aid Post to which the facts of his injury were reported.

**Applications for disability pensions.**

6. (a) An application for a disability pension shall be made in Form D to the Claims Officer by the person who has sustained the qualifying injury, through the person in charge of the hospital or dispensary where he last received or is receiving treatment, or if he has not been treated in any hospital or dispensary, through the Medical Officer of Government or the registered medical practitioner who last treated him for the injury, and shall be countersigned by such person, officer or practitioner.
- (b) No application for a disability pension shall be entertained unless it is supported by a certificate of disability in Form E granted by a Medical Authority; application therefor shall be made to the Medical Authority for the area in which the injured person resides by the injured person, or if he is incapable of making it himself, on his behalf by another person.

**Applications for family pensions and children's allowances.**

7. An application for a family pension or for a family pension and children's allowance shall be made in Form F to the Claims Officer by the person to whom payment thereof, if sanctioned, would be made under the provisions of the Scheme.

**General provisions for applications to Claims Officer.**

8. Where the Claims Officer is satisfied that a person by whom an application should be made is for sufficient reason incapable of making the same, the Claims Officer

may entertain an application made on such person's behalf by another person.

**Awards.**

9. The Claims Officer, on receiving an application for an allowance or pension under the Scheme and after considering the reports and certificates pertaining to the case and after obtaining such other evidence, if any, as he considers necessary, shall make his award in Form G. He shall briefly record separately the reasons for his award. A signed copy of the award shall be given to the person in whose favour the award is made or to his authorised agent; a true copy shall be sent to the post-office where payment is to be made together with the attested specimen of the thumb and finger impressions of the payee and his signature, if literate; and another true copy shall be sent to the Audit Officer specified for this purpose by the Post and Telegraph Department.

**Power to call for evidence, etc.**

10. The Claims Officer or the authority appointed under clause 43A of the Scheme shall have the power to examine witnesses and call for such evidence as he considers necessary in the same manner as a civil court under the provisions of the Code of Civil Procedure, 1908 (Act V of 1908) and shall have, in particular, the powers conferred by section 32 of that Code.

**Payment of allowances and pensions.**

11. (a) All allowances and pensions under the Scheme shall be payable at the Head and Special Post-offices and such branch offices or may be authorised for the purposes by the various heads of circles.
- (b) All allowances and pensions shall be drawn within one month of the date when they are due. The Post-master concerned may, however, at his discretion, make payment of full arrears within three months of the due date in the case of temporary allowances and when the Claims Officer has condoned a delay under section 10 of the scheme with-

in three months of the date of the order condoning the delay. In the case of other awards, similarly, he may make payment of full arrears within one year of the due date or of the date of the order condoning any delay, as the case may be.

- (c) All such payments shall from time to time be endorsed on the award by the Post-master.

#### **Transfer of place of payment.**

12. On an application made to him by or on behalf of the holder of an award of any pension or allowance, the Claims Officer may, for sufficient reason, transfer the place of payment and shall endorse the award accordingly. He shall also inform the post-offices and Audit-office concerned of the transfer so effected.

#### **Proof of continued eligibility.**

13. (a) With every award when presented for payment, there shall be produced a certificate of life pertaining to the beneficiary or beneficiaries under the award, signed by a Gazetted Officer (in service or retired) of Government, a Magistrate or a Police Officer not below the rank of a Sub-Inspector or any other person authorised by general or special order by the Provincial Government. Where the claimant is undergoing treatment as an in-patient at a hospital or dispensary, the certificate shall be signed by the person in charge thereof:

Provided that where a beneficiary is present at the time of payment of an allowance or pension under the Scheme, no life certificate in respect of him shall be required but his identity shall be proved to the satisfaction of the Post-master.

- (b) On every occasion when the award of a family pension or of a family pension and children's allowance is presented for payment, the person to whom the same is payable shall give a certificate in Form H.

- (c) On every occasion when the award of a temporary allowance or a permanent pension is presented for payment, the person to whom it is payable shall give a certificate in Form I.

**Reports of ineligibility.**

14. (a) If any person to whom any pension or allowance is payable ceases under any of the provisions of the Scheme to be eligible to receive the same, or if any circumstances arise since the making of the award or last modification thereof to require under any of the said provisions the cancellation or modification of the award, a report shall forthwith be made to the Claims Officer by the person to whom the pension or allowance has hitherto been payable, and pending the orders of the Claims Officer on such report, the award shall not be presented for any further payment thereon.
- (b) On receipt of any such report, the Claims Officer shall, after making such inquiries, if any, as he may deem necessary, cancel or modify the award in accordance with the provisions of the Scheme, and shall inform the post-office of payment accordingly.

FORM A-1.  
*Casualty Label.*  
Obverse.

Date.	
Name.	
Casualty Book No.	
Father's or husband's name.	
Injury.	
T M H G X	
Treatment :	
Morphia. Dose and Time.	
Instructions :	
	<div style="border: 1px solid black; padding: 5px;"> T=Tourniquet  M=Morphia  H=Haemorrhage  G=Gas and contamination  X=Immediate attention. </div>
Officer in charge.	

## LABOUR AND FACTORY LEGISLATION

Reverse.

(Red and Green labels).

Red : *Direct to HOSPITAL*Green : *To First Aid Post*

\*cross out where applicable.

If C. D. V. on duty  
                                  off duty

(State source of information).

Reverse.

(White labels).

White : *Walking Case.*

This card should be given to patients with minor injuries, sent home after treatment, with instructions, where necessary, to present it at the nearest hospital for further treatment (on same or the next day).

The Casualty Book number should be entered on the card.

This copy to be preserved at F. A. P.

**This copy to be sent to the Local A.R.P. Headquarters which will forward it to the War Injuries Claims Officer.**

# CASUALTY BOOK.

No.	
F. A. Post.	
Town and District.	
Date and time of arrival.	
Name.	Sex.
Father's or husband's name.	
Community.	Caste.
Occupation.	If C.D.V. on duty off duty
Address.	
By whom brought.	
Nature and cause of injury.	(Note if gassed.)
Treatment.	
A. T. Serum.	
Morphia, dose and time.	
Disposal.	Medical Officer in charge.

When an injured person is sent home after treatment this form should be completed before he leaves the F. A. post and he should be given a casualty label on which should be entered the casualty book number.

**CASUALTY BOOK.**

F. A. Post.		No.
Town and District.		
Date and time of arrival.		
Name.	Age.	Sex.
Father's or husband's name.		
Community.		Caste.
Occupation.		If C.D.V. on duty off duty
Address.		
By whom brought.		
Nature and cause of injury.		
		(Note if gassed.)
Disposal.		Medical Officer in charge.

This copy should be completed and forwarded to the Local A. R. P. Headquarters as soon as possible.



## FORM B-1.

This copy to be retained in Hospital.

This copy to be sent to War Injuries Claims Officer through local A.R.P. Headquarters.  
WAR CASUALTY.

WAR CASUALTY. <i>In-patient Book.</i>		WAR CASUALTY. <i>In-patient Book.</i>	
Hospital.	No.	Hospital.	No.
Town and District.		Town and District.	
Date of admission.		Date of admission.	
Name.	Age.	Name.	Age.
Community.	Caste.	Community.	Caste.
Address.		Address.	
Occupation (Note if C.D.V.).		Occupation (Note if C.D.V.).	
Where first treated (with date).		Where first treated (with date).	
F. A. Post at.....		F. A. Post at.....	
By whom brought.		By whom brought.	
Date of injury.		Date of injury.	
Name and probable cause of injury.		Name and probable cause of injury.	
(Note if gassed).		(Note if gassed).	
Name and address of next of kin.		Name and address of next of kin.	
Date of discharge.		Date of discharge.	
transfer to out-patient Department.	Medical Officer.	transfer to out-patient Department.	Medical Officer.

# LABOUR AND FACTORY LEGISLATION

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**FORM B-2.**

This copy to be retained in Hospital.

This copy to be sent to the Claims Officer through local A. R. P. Headquarters.

**WAR CASUALTY.**

**Out-patient Book.**

This copy to be given to the Patient.

**WAR CASUALTY.**

**Out-patient Book.**

**WAR CASUALTY.**

**Out-patient Book.**

Hospital/Dispensary. Town and District.	No.	Hospital/Dispensary. Town and District.	No.
Father's or husband's name.	Age.	Father's or husband's name.	Age.
Community.	Caste.	Community.	Caste.
Address.		Address.	
Occupation (note if C. D. V.).		Occupation (note if C. D. V.).	
Where first treated (with date).		Where first treated (with date).	
F. A. Post.		F. A. Post.	
Casualty Book No.		Casualty Book No.	
Whether ex-Invalid.		Whether ex-Invalid.	
Date of injury.		Date of injury.	
Probable cause of injury.		Probable cause of injury.	
Date of 1st. treatment in O. P. D.		Date of 1st. treatment in O. P. D.	
Whether incapacitated for work.		Whether incapacitated for work.	
Medical Officer.		Medical Officer.	
Date.		Date.	

Keep this carefully and take it with you when you go to the Hospital.

To be kept in the Hospital and filled up on each occasion when the patient is treated.

When discharged with "Discharged" and the date.

Particulars of any refusal to undergo treatment should be noted

Dates for further treatment and Discharge.

Dates of further treatment and Discharge.

Signature of M. O.

Signature of M. O.

## FORM B-3.

## WAR CASUALTY.

## Discharge Certificate.

Name (Capitals) :

Age :

Father's or husbands's name :

Address :

was under  $\frac{\text{In}}{\text{Out}}$  patient treatment from to  
 at Hospital.

Dispensary.

Town.....

District.....

Casualty Book No.....Out-patient Record No....

In-patient Record No.....

Suffering from .....

the result of war injury on

at

and was discharged on

Date.....

Medical Officer,

.....Hospital.

## REVERSE.

This form should be prepared in triplicate.

(1) for the patient, (2) for the War Injuries Claims Officer.

(3) for the Hospital Record, or to be placed in large envelope.

(Signature or Thumb impression of the patient on this to act as a receipt).

1. Whether patient refused to undergo any medical treatment

YES

NO

2. Whether still incapacitated for work.

YES

NO

3. Particulars of disability due to war injury still continuing, if any .....

4. Whether disability is capable of improvement

YES

NO

DOUBTFUL.

Medical Officer.

Power to make orders exempting from restrictions.

44. (1) Where the [Provincial Government]<sup>1</sup> is satisfied that, owing to the nature of the work carried on or to other circumstances, it is unreasonable to require that the periods of work of any adult workers in any factory or class of factories should be fixed beforehand, it may, by written order, relax or modify the provisions of Sections 39 and 40 in respect of such workers to such extent and in such manner as it may think fit, and subject to such conditions as it may deem expedient to ensure control over periods of work.

(2) The [Provincial Government]<sup>1</sup> or subject to the control of the [Provincial Government]<sup>1</sup> the Chief Inspector, may, by written order, exempt, on such conditions as it or he may deem expedient, any or all of the adult workers in any factory, or group or class of factories, from any or all of the provisions of Sections 34, 35, 36, 37, 38, 39 and 40, on the ground that the exemption is required to enable the factory or factories to deal with an exceptional press of work.

(3) Any exemption given under sub-section (2) in respect of weekly hours of work shall be subject to the maximum limits prescribed under sub-section (4) of Section 43.

(4) An order under sub-section (2) shall remain in force for such period as it may specify, but in no case for more than two months from the date on which notice thereof is given to the manager of the factory.

Further restrictions on the employment of women.

45. (1) The provisions of this Chapter shall, in their application to women workers in factories, be supplemented by the following further restrictions, namely:—

(a) no exemption from the provisions of Section 36 may be granted in respect of any woman; and

(b) no woman shall be allowed to work in a factory except between 6 a.m. and 7 p.m.:

Provided that the [Provincial Government]<sup>1</sup> may by

<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1947.

LABOUR AND FACTORY LEGISLATION

FORM B-4.

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WAR CASUALTY

Cover for medical History Documents

Full Name (in capitals).	Father's or husband's name

Community :

Age :

Caste :

Occupation :

(Note if C.D.V.)

Address :

Date and place of injury :

Name and address of next of kin :

In-patient Record No.....

Name of Hospital, Town and District.	Date of		Admission Record No.
	Admission.	Discharge or Transfer.	

This envelope will be prepared by the hospital to which a patient is first admitted and all medical documents relating to the case will be placed in this envelope, which with its contents should be transferred with the patient on transfer to another hospital, and on final discharge or death it should be transmitted under cover to.....

## FORM B-5

Statement of  $\frac{\text{In}}{\text{Out}}$  patients with war injuries under treatmenton the  $\frac{1\text{st}}{15\text{th}}$  of 19 .

Serial No.	Name	Father's or husband's name	Age and Sex M. F.	Community	Caste	Whether out-patient (O. P.) or in-patient (I. P.)	No. in I. P. Book,	No. in O. P. Book and date of last treatment	Whether incapacitated for work on date of last treatment	Remarks.

NOTES.—1. If an out-patient fails to attend for a period of 14 days the fact should be noted in the "Remarks" column  
 2. If a patient fails to attend for one month the fact should be noted, and his name should not be included in later lists.

Medical Officer.  
Dispensary.  
Hospital.

FORM C.

**Application for Temporary Allowance.**

Claimant's full name (in capitals).

Name of Father (in the case of married woman, of husband).

Age

Date of birth

Caste

Profession

Residence

Nationality

What rate of allowance is claimed and justification for the claim.

Income before the injury and source of the income.

Income after injury and source of the income.

Place where injury sustained.

Date of injury

Cause of injury in detail.

Details of injury.

Whether attended to by A. R. P. volunteer, civic guard, police or other organisation, if so details.

If taken to dispensary or hospital, which and when.

If discharged from dispensary or hospital, when.

Did the injured person refuse medical treatment at a hospital or dispensary, and if so why

If attended to at residence by a medical practitioner details of place where treated and name of medical practitioner.

Period of incapacity of work.

If temporary allowance and/or pension is being or has been drawn by the injured person, details thereof.

If the claimant draws or has drawn any special disability pension or allowance from public funds, details thereof.

I certify that the information furnished above is true to the best of my knowledge and belief.

I certify that I am not in receipt of any pension or allowance under the War Injuries Scheme, 1941 (other than that referred to above.

I desire to draw the allowance, if sanctioned at Post-office.

(Signature of claimant)

---

Applicant's name.

Father's or husband's name

Community or caste

In-patient Book No.

Out-patient Book No.

Date of admission as in-patient

Date of first treatment as out-patient

If discharged, date of discharge

Period during which, according to the hospital records, the applicant was incapacitated for work (dates)—From to

Whether at present incapacitated for work and, if so, probable period during which incapacity will continue.

Did patient refuse any medical treatment?

If so, give particulars.

---

Medical Officer.

Date

Hospital.

Dispensary.



FORM D.

**Application for Disability Pension.**

Claimant's full name (in capitals).

Name of Father (in the case of married woman, of husband).

Age

Date of birth

Caste

Profession

Residence

Nationality

What rate of allowance is claimed and justification for the claim.

Income before the injury and source of the income.

Income after injury and source of the income.

Place where injury sustained.

Date of injury

Cause of injury in detail.

Details of injury.

Whether attended to by A.R.P. volunteer, civic guard, police or other organisation, if so details.

If taken to dispensary or hospital, which and when.

If discharged from dispensary or hospital, when.

Did the injured person refuse medical treatment at a hospital or dispensary, and if so why

If attended to at residence by a medical practitioner details of place where treated and name of medical practitioner.

If any temporary allowance and or pension is being or has been drawn by the injured person, details thereof.

If the claimant draws or has drawn any special disability pension or allowance from public funds, details thereof.

I desire to draw the pension, if sanctioned  
at Post-office.

I certify that the information furnished above is true to the  
best of my knowledge and belief.

I certify that I am not in receipt of any pension or allow-  
ance under the War Injuries Scheme, 1941 (other  
than that referred to above.

(Signature of claimant)

#### FORM E.

#### Certificate of Disability.

Medical Authority

Name of injured person (in capitals)

Name of Father (in case of married woman, of  
her husband)

Age

Residence

Caste

Profession

Nationality

Date of examination by the authority

Particulars of disability and probable cause.

Degree of disability in terms of clause 11 of the  
War Injuries Scheme, 1941.

Is the disability capable of improvement

If not, estimate probable further duration of dis-  
ability and state if the person should be  
put up for examination again, and when.

Signature of Members of Authority.

FORM F.

**Application for Family Pension and Children's Allowance.**

**Applicant's full name (in capitals)**

**Name of Father (in the case of married woman, of husband)**

**Age** , **Date of birth**

**Caste** **Profession**

**Residence** , **Nationality**

**Relationship with deceased.**

**Income of applicant before death of deceased and source of such income.**

**Income of applicant after death of deceased and source of such income.**

**Full name of deceased (in capitals).**

**Place of death.**

**Cause of death.**

**Was deceased attended to by A.R.P. volunteer, civic guard, police or other organisation—  
If so, details.**

**If deceased received any medical treatment, details thereof including place where received.**

**If deceased died in any hospital or dispensary, state details.**

**If not give any other proof of death, e.g., affidavits, or any certificates by a gazetted officer, Magistrate or Sub-Inspector of Police.**

**Did deceased draw any allowance under the War Injuries Scheme, 1941, prior to death, if so details as to award, rate and amount drawn prior to death.**

**Is any special pension or allowance awarded from public funds in respect of the death of the deceased.**

**If deceased has any of the following relatives living at the time of his death, give details\* in**

---

\*If necessary, this may be done on a sheet to be attached and signed.

Date of birth	Age	} In the case of all eligible relatives.
Residence	If staying elsewhere	

(ii) holds any appointment under Government or local authority, state details and rate of emoluments.

(Signature of claimant).

Age Residence  
Caste Profession

# LABOUR AND FACTORY LEGISLATION

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Nationality  
Pension or allowance in favour of (block capitals).  
Name of Father or such person (in the case of married woman, of husband).  
Description of such person.  
Age  
Caste  
Residence  
Profession  
Nature of award (state whether temporary allowance, disability pension, or family pension and children's allowance)  
Amount of pension or allowance Rs. per  
In the case of children's allowance, particulars of amount and children in respect of whom made stating their dates of birth.  
Guardian, if any  
Period for which pension is sanctioned, with the date of commencement.  
Payable at  
on the ..... of each

Post-office

Date and signature of Claims Officer.

Being satisfied that the sum of Rupees..... the <sup>amount</sup> ~~unrepaid~~ balance of an advance payment in accordance with sub-clause (1) of the clause 34A of the War Injuries scheme, 1942, by..... (name and address)....., the employer..... in respect of whose injury this award is made, said sum be paid to the said..... instalments from each payment under this award of Rs..... until and including that due on..... and a final instalment employer in of rupees from that due on ..... a single lump sum from the amount payable under this award.

Forwarded to the payee through the Deputy Collector of  
District.

Period	Amount of award	Signature or thumb impression of payee.	Signature of Post-master or officer	Date stamp of office	Amount of advance of Rs..... to be recovered <u>lump</u> instalment of Rs. _____ each from each payment for remittance to the employer
(1)	(2)	(3)	(4)	(5)	(6)

## FORM H.

## Certificate of Continuing Eligibility.

I, \_\_\_\_\_ (name, father's or husband's name and address) \_\_\_\_\_, being the person to whom the family pension [and children's allowance(s)] sanctioned under Award No. \_\_\_\_\_ is/are payable, hereby certify—

- (i) that I remain eligible under the provisions of the War Injuries Scheme, 1941, to receive the same, and
- (ii) that no circumstances have arisen since the making (of the last modification) of the said Award which under any of the said provisions would operate to require the cancellation or (further) modification of the said Award.
- (iii) that I have not received any additional payments or pensions from public funds—since the making of (the last modification of) the said Award.

Date

Signature or thumb impression

(To be countersigned, in cases where the payee is not present in person at the post-office of payment, by a Gazetted Officer of Government, a Magistrate or a Police Officer not below the rank of Sub-Inspector or any other person, authorised by general or special order by the Provincial Government).

notification in the (*Official Gazette*)<sup>1</sup>, in respect of any class or classes of factories and for the whole year or any part of it, vary the limits laid down in clause (b) to any span of thirteen hours between 5 a.m. and 7-30 p.m.<sup>2</sup> :

Provided further that, in respect of any seasonal factory or class of seasonal factories in a specified area, the [Provincial Government]<sup>3</sup> may make rules imposing a further restriction by defining the period or periods of the 'day' within which women may be allowed to work, such that the period or periods so defined shall lie within the span fixed by clause (b) or under the above proviso and shall not be less than ten hours in the aggregate.

(2) The [Provincial Government]<sup>3</sup> may make rules providing for the exemption from the above restrictions, to such extent and subject to such conditions as it may prescribe, of women working in fish-curing or fish-canning factories where the employment of women beyond the said hours is necessary to prevent damage to or deterioration in any raw material.

(3) Rules made under sub-section (2) shall remain in force for not more than three years.

### Special provision for night-shifts

46. Where a worker works on a shift which extends over midnight, the ensuing day for him shall be deemed to be the period of twenty-four hours beginning when such shift ends, and the hours he has worked after midnight shall be counted towards the previous day :

Provided that the [Provincial Government]<sup>3</sup> may, by order in writing, direct that in the case of any specified factory or any specified class of workers therein the ensuing day shall be deemed to be the period of twenty-four hours beginning when such shift begins and that the hours

<sup>1</sup> These words were substituted for the words "Local Official Gazettes" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> Until the termination of the hostilities, this proviso shall have effect as if for the figures and letters "7-30 p.m." the figures and letters "8-30 p.m." had been substituted.

Vide G. of B. Gaz. Part IV p. 103 of 5/5/44. India Act No. XIV of 1944.

<sup>3</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

## FORM HH.

Received from..... of..... an advance payment of rupees..... (Rupees.....) under clause 34A of the War Injuries scheme 1942 with reference to the injury sustained on..... at.....

by \_\_\_\_\_ of \_\_\_\_\_ deceased  
myself

In consideration of the advance, I hereby enter into the undertaking that the advance shall be repaid under the provisions of the War Injuries Scheme and regulations from out of any award made (either to me or to my relatives)\* irrespective of the aforesaid injury sustained by deceased

myself.

Date

Witness

of

Signature and thumb impression  
of

Address

## FORM I

I (name, father's name or husband's name and address) being the person to whom permanent pension/temporary allowance sanctioned under Award No. is payable, hereby certify—

(i) that I remain eligible under the provisions of the War Injuries Scheme, 1942, to receive the same ;

(ii) that no circumstances have arisen since the making of (the last modification of) the said Award which under any of the said provisions would operate to require the cancellation or (further) modification of the said Award ;

(iii) that I have not received additional payments or pensions from public funds since the making of (the modification of) the said Award.

Date

(Signature or thumb impression.)

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\* Only when receipt is given by the injured person.



(To be countersigned, in case, where the payee is not present in person at the post-office of payment by a Gazetted officer of Government, a Magistrate or a Police Sub-officer not below the rank of sub-Inspector or any other person authorised by general or Special Order by the Provincial Government).

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## War Injuries Ordinances 1941

### NOTIFICATIONS.

No. L-1882 dated New Delhi the 9th April 1942.

1. In pursuance of sub-paragraph (2) of paragraph (E) of sub-clause (2) of clause 2 of the War Injuries Scheme 1942, the Central Government is pleased to declare for the purposes of the said sub-paragraph—

- (1) Employment in Federal Railways to be a "specified occupation"; and
- (2) The place of work or normal residence of the person so employed to be the "specified locality," with reference to his place of employment.

(Vide G. of B. Gaz. Part IVC. p. 961 of 21-5-42).

No. L-825, dated New Delhi, the 5th September 1942.

2. In pursuance of sub-clause (C) of clause 4 of the War Injuries Scheme, 1942, the Central Government is pleased to notify "Civil Defence Volunteers" for the purposes of said sub-clause.

(Vide G. of B. Gaz. Part IVC p. 2007 of 1-10-42).

3. No. 600-E—In pursuance of Clause 14 of paragraph 2 of Schedule I to the War Injuries Scheme, 1942, the Government of Bombay is pleased to designate Rest Camp Service for the purpose of this said clause ; and

In pursuance of the said paragraph the Government of Bombay is pleased to recognise all private Organizations

carrying out Rest Camp Services in the province of Bombay for the purposes of the said Scheme.

4. No. 600-E—In pursuance of Clause 1 of paragraph 1 of Schedule I of the War Injuries Scheme 1942 the Government of Bombay is hereby pleased to notify the following Civil Defence Organisations for the purposes of the War Injuries Ordinance 1941 and the War Injuries Scheme, 1942 :—

- (1) Evacuation Camp Organizations ;
- (2) Camp cum Way side halt Organisations.
- (3) Way-side halt Organisations.

(Vide G. of B. Gaz. Part IVA p. 401-402 of 22-10-42).

No. L-827, dated New Delhi, the 6th October 1942.

5. In pursuance of sub-paragraph (2) of paragraph (E) of sub-clause (2) of clause 2 of the War Injuries Scheme, 1942, the Central Government is pleased to specify other employment undertaken in compliance with a direction under sub-rule (1) of rule 78A of the Defence of India rules for the purposes of the said sub-paragraph.

(Vide G. of B. Gaz. Part IVC No. 2091 of 29-10-42).

No. L-827, dated New Delhi the 22nd September 1942.

In pursuance of sub-paragraph (2) of paragraph (E) of sub-clause (2) of clause 2 of the Injuries scheme 1942, the Central Government is pleased to specify—

- (i) Every employment for port purposes at any port in British India to which Indian Ports Act, 1908, for the time being extends, whether engaged by the port authority or by shipping agents or contractors.
- (ii) employment as the Master or as a seaman of any ship registered in British India which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled ;
- (iii) employment for the purpose of loading or unloading, fueling, constructing, repairing, demolishing, cleaning or painting any ship whether registered in British India or any other country or in the

handling or transport at any such port as afore-said, of goods which have been discharged from or are to be loaded into any vessel ;

- (iv) employment in the operation or handling of a steamer ferry boat flat barged or for the purpose of loading, unloading, fueling, constructing, repairing, demolishing, cleaning or painting and such steamer ferry boat flat or barged at Golgoalundo, Narayanganj, Dacca, Chandpur, Barisal, Khulna, Serajgunj, Jaganathgunj, Babadinabad, Fulchari, Chunmugaria and Zalakathi.

(Vide G. of B Gaz. Part IVC 2298-99 of 5-11-42).

6. No. L2227, dated the New Delhi, 8th October 1942.

In pursuance of sub-paragraph (2) of paragraph (E) of sub-clause (2) of clause 2 of War Injuries scheme 1942, the Central Government is pleased to specify other amendments undertaken in compliance with a direction under sub-rule (1) of rule 78A of the Defence of India Rules for the purpose of the said sub-paragraph.

(Vide G. of B. Gaz. Part IVC pp. 2298-99 of 5-11-42).

7. No. L-825.—In pursuance of Sub-clause (C) of Clause 4 of the War Injuries Scheme 1942 the Central Government is pleased to notify the following classes of persons for the purposes of the said sub-clause namely :—

- (i) persons receiving full time instructions at the University, College, School or other Education Establishment and
- (ii) persons who for less than full remuneration are undergoing training for any trade, business, office, employment or vocation.

(Vide G. of B. Gaz. Part IVC p. 238 of 11-3-43).

1. In exercise of the powers conferred by section 14 of War Risks (Factories) Insurance Ordinance, 1942 (No. XII of 1942), the Central Government is pleased to exempt the following from the provisions of section 5 of the said Ordinance :—

1. All buildings or portions of buildings occupied by the United States Army or its agencies for the purposes of a factory.
2. Anand Printing Press, Anand, District Kaira.
3. Artytoys Wood Working Institute, Bombay.
4. All Air-raid Precautions Work appertaining to or appropriated for the same.
5. Christian Industrial School, Saharanpur.
6. Coronation Technical School, Khulna.
7. Danish Mission Industrial School, Panruti, South Arcot.
8. Don Bosco Technical School, Krishna Nagar, Dist. Nadia, Bengal.
9. Elliot Technical School,, Comilla, Bengal.
10. Engineering College, Electric Power House and Hindu University Press Benares.
11. Factories belonging to the Bombay Telephone Company, Ltd., Bombay.
12. Faridpur Mission Industrial School, Faridpur.
13. Hindu University, Benares.
14. Indigo Factories situated in Behar Province.
15. Industrial Orphanage, Kashinath Dutta Road, Bara Nagar, 24 Parganas.
16. Kashi Keshav Technical School, Mymensingh.
17. P. V. Krishnaiah Choudhary Trading Centre, Guntur.
18. Property and all buildings or portions of buildings belonging to the Government of the United States of America.
19. Queen Mary's Technical School for disabled Indian Soldiers, Kirkee.
20. Saint Mary's Industrial School, Kumbakonam, Tanjore Dist.
21. Workshops attached to the Engineering College, Muslim University, Aligarh.
22. Workshop at Karachi belonging to British Overseas Airways Corporation.
23. Vishnupur Technical School, Vishnupur, Bankura.

In pursuance of sub-section (1) of section (XVII of the War Risks (Factories) Insurance Ordinance 1942 (XII of 1942) the Central Government is pleased to declare that the provisions of the said section shall apply to the following states :—

1. Administered areas except the District of Abu.
2. Baroda.
3. Benares.
4. Bastar.
5. Bhopal.
6. Bundi.
7. Cambay.
8. Cochin.
9. Cooch Behar.
10. French Establishments in India.
11. Jodhpur (Marwar) except the Sambhar Shamlet area.
12. Jwnangad.
13. Keon Jahr.
14. Khanpur.
15. Kharsawan.
16. Korea.
17. Kapurthala.
18. Malerkotla.
19. Mayurbhung.
20. Mysore.
21. Nabha.
22. Nangaon.
23. Patiala.
24. Patna.
25. Raigarh.
26. Rampur.
27. Seraikella.
28. Talcher.
29. Travancore.
30. The whole of the Dominion of His Exalted Highness the Nizam of Hyderabad.
31. Udaipur.

## Legislation and Orders Relating to War THE DEFENCE OF INDIA RULES.

### PRAT I.

#### Preliminary.

##### Short title.

1. These Rules may be called the Defence of India Rules.

##### Definitions.

2. In these Rules, unless there is anything repugnant in the subject or context,—

- (1) "enemy" means any person or State at war with His Majesty ;
- (2) "enemy territory" means—
  - (a) any area which is under the sovereignty of, or administered by, or for the time being in the occupation of, a State at war with His Majesty, not being an area in the occupation of His Majesty or of a State allied with His Majesty, and
  - (b) any area which may be notified by the Central Government to be enemy territory ;
- (3) "notified" and "notification" mean notified and notification respectively in the official Gazette ;
- (4) "Ordinance" means the Defence of India Ordinance, 1939 ;
- (5) "prescribed" means prescribed by any order, direction or regulation made or given in pursuance of any of these Rules ;
- (6) "prohibited place" means a prohibited place as defined in sub-section (8) of section 2 of the Indian Official Secrets Act, 1923 ;
- (7) "protected place" means a place declared under rule 7 to be a protected place ;
- (8) "protected area" means an area declared under rule 8 to be a protected area ;
- (9) "Provincial Government" means in relation to a Chief Commissioner's Province the Chief Commissioner ;

- (10) "public servant" includes any public servant as defined in the Indian Penal Code and any servant of any local authority or railway administration ;
- (11) "requisition" means in relation to any property to take possession of the property or to require the property to be placed at the disposal of the requisitioning authority ;
- (12) "war" means any war in which His Majesty may for the time being be engaged.

**Interpretation.**

3. (1) The General Clauses Act, 1867, shall apply to the interpretation of these Rules as it applies to the interpretation of a Central Act.
- (2) Any reference in these Rules to the forces, vessels, aircraft, servants, subjects or prisoners of war of His Majesty shall, unless there is anything repugnant in the subject or context, be deemed to include the forces, vessels, aircraft, servants, subjects or prisoners of war, as the case may be, of any part of His Majesty's dominions, of any territories under the protection or suzerainty of His Majesty and of any State in alliance with His Majesty.
- (3) Any reference in these Rules to the master of a vessel or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vessel or aircraft, as the case may be.

**Saving.**

4. No prohibition, restriction or disability imposed by these rules, or by any order made or directions given thereunder not being an order or direction of the Central Government or of an officer specially authorised by the Central Government in this behalf expressly providing the contrary shall apply to anything done by or under the direction of any member of His Majesty's forces or any public servant acting in the course of his duty as such member or public servant.

**Non-compliance with these Rules or orders made thereunder.**

5. If any person to whom any provision of these Rules relates, or to whom any order made in pursuance of these Rules is addressed or relates, or who is in occupation, possession or control of any land, building, vehicle, vessel or other thing to which such provision relates, or in respect of which such order is made—

(a) fails without lawful authority or excuse, himself, or in respect of any land, building, vehicle, vessel or other thing of which he is in occupation, possession or control, to comply, or to secure compliance, with such provision or order, or

(b) evades, or attempts to evade, by any means such provision, or order,—

he shall be deemed to have contravened such provision or order and in these Rules the expression “contravention” with its grammatical variations includes any such failure, evasion or attempt to evade.

**PART II.**

**Access to certain premises and areas.**

**Prohibited places.**

6. (1) No person shall without the permission of the Central Government or the Provincial Government, enter, or be on or in, or pass over, or loiter in the vicinity of, any prohibited place.

(2) Where in pursuance of sub-rule (1) any person is granted permission to enter, or to be on or in, or to pass over, a prohibited place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by the Central or the Provincial Government.

(3) Any police officer, or any other person authorised in this behalf by the Central Government or the Provincial Government may search any person entering, or seeking to enter, or being on or in or leaving a prohibited



place, and any vehicle, vessel, aircraft or article brought in by such person, and may for the purpose of the search detain such person, vehicle, vessel, aircraft and article.

Provided that no female shall be searched in pursuance of this sub-rule except by a female.

(4) If any person is in a prohibited place in contravention of this rule, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any police officer or by any person authorised in this behalf by the Central Government or the Provincial Government.

(5) If any person is in a prohibited place in contravention of any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

#### **Prohibited places.**

7. If as respects any place or class of places, the Central Government or the Provincial Government considers it necessary or expedient that special precautions should be taken to prevent the entry of unauthorised persons, that Government may by order declare that place or, as the case may be, every place of that class to be a protected place; and thereupon the provisions of the Indian Official Secrets Act, 1923, shall have effect in relation to such place or places as if references therein to a prohibited place and the Central Government were construed as references to a protected place and the Government making the declaration and the provisions of rule 6 shall have effect in relation to such place or places as if references therein to a prohibited place were construed as references to a protected place.

#### **Protected areas.**

8. (1) If the Central Government or the Provincial Government considers it necessary or expedient to regulate the entry of persons into any areas, that Government may, without prejudice to the provisions of any other rule, by order declare the area to be a protected area; and thereupon, for so long as the order is in force, such area shall be protected area for the purposes of these Rules.

worked before midnight shall be counted towards the ensuing day.

**Extra pay for overtime.**

47. (1) Where a worker in any factory works for more than sixty hours in any week, or where a worker in a factory other than a seasonal factory works for more than ten hours in any day, he shall be entitled in respect of the overtime worked to pay at the rate of one-and-a-half times his ordinary rate of pay.

(2) Where a worker in a factory other than a seasonal factory works for more hours in any week than are permitted under Section 34, he shall be entitled, in respect of the overtime worked excluding any overtime in respect of which he is entitled to extra pay under sub-section (1), to pay at the rate of one-and-a-quarter times his ordinary rate of pay.

(3) Where any workers are paid on a piece rate basis, the [Provincial Government]<sup>1</sup> in consultation with the industry concerned may for the purposes of this Section fix time rates as nearly as possible equivalent to the average rate of earning of those workers, and the rates so fixed shall be deemed to be the ordinary rates of pay of those workers for the purposes of this Section.

(4) The [Provincial Government]<sup>1</sup> may prescribe the registers that shall be maintained in a factory for the purpose of securing compliance with the provisions of this Section.

**Restriction on double employment.**

48. No adult worker shall be allowed to work in any factory on any day on which he has already been working in any other factory, save in such circumstances as may be prescribed.

**Control of overlapping shifts.**

49. The [Provincial Government]<sup>1</sup> may make rules providing that in any specified class or classes of factories

<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

(2) On and after such day as may be specified in, and subject to any exemptions for which provision may be made by, an order made under sub-rule (1), no person who was not at the beginning of the said day resident in the area declared to be a protected area by the said order shall be therein except in accordance with the terms of a permit in writing granted to him by an authority or person specified in the said order.

(2A) Any police officer, or any other person authorised in this behalf by the Central Government or the Provincial Government may search any person entering or seeking to enter, or being on or in, or leaving, a protected area, and any vehicle, vessel, aircraft or article brought in by such person, and may, for the purpose of the search detain such person, vehicle, vessel, air-craft and article.

Provided that no female shall be searched in pursuance of this sub-rule except by a female.

(3) If any person is in a protected area in contravention of the provisions of this rule, then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by or under the direction of any police officer or any member of His Majesty's forces on duty in the protected area.

(4) If any person is in a protected area in contravention of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

**Forcing or evading a guard.**

8A. Any person who effects or attempts to effect entry into a prohibited place, protected place or protected area

(a) by using, or threatening to use, criminal force to any person posted for the purpose of protecting, or of preventing or controlling access to, such place or area, or

(b) after taking precautions to conceal his entry or attempted entry from any such person, shall be punishable with imprisonment for a term which may extend to seven years.

## PART VI.

**PREVENTION OF PREJUDICIAL ACTS AND CONTROL OF INFORMATION**

**Prohibition of prejudicial acts, publications and communications.**

38. (1) No person shall, without lawful authority or excuse,—

- (a) do any prejudicial act ; or
  - (b) obtain, collect, record, elicit, make, print or publish, or distribute or communicate by any means whatsoever to any other person any information likely to assist the enemy; or
  - (c) make, print, publish or distribute any document containing, or spread by any other means whatsoever, any prejudicial report; or
  - (d) make, print, produce, publish or distribute any publication containing, or communicate to any person by any means whatsoever, any confidential information.
- (2) The author, editor, printer and publisher of, and any person who otherwise make or produce, any information likely to assist the enemy, any confidential information or any prejudicial report, and any person who distributes or sells any information or report of that nature, knowing it to be of such nature, shall be deemed to have contravened this rule.

(3) Any person who exhibits, or causes or allows to be exhibited, to the public or to any section of the public any unauthorised cinematograph film containing any information likely to assist the enemy, any confidential information or any prejudicial report or any reference to or representation of any such information or report and the licensee of any building or other premises licensed under the Cinematograph Act, 1918, for giving exhibitions by means of a cinematograph, and the occupier, or, if there is no occupier the owner, of any other building or other premises, in or on which any unauthorised cinematograph

film as aforesaid is exhibited shall be deemed to have contravened this rule.

(4) The proprietor, manager or any other person in control of any place in which, and every person who takes part in any public performance of any play, pantomime, drama or recitation in the course of which any confidential information, any information likely to assist the enemy or any prejudicial report is published shall each be deemed to have contravened this rule.

(5) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both.

Provided that in any proceedings arising out of a contravention of this rule,—

(a) in relation to the making or printing of any document or information, it shall be a defence for the accused to prove that the said document or information was made or printed, as the case may be,—

(i) before the Ordinance came into force, or

(ii) with the permission or under the authority of Government, or

(iii) as a proof intended for submission to Government or to a person or authority designated by Government in this behalf with a view to obtaining permission for its publication ;

(b) in relation to the publication of any document or information it shall be a defence for the accused to prove that the said document or information was published—

(i) before the Ordinance came into force, or

(ii) with the permission or under the authority of Government.

**Illegal possession of certain information and publications.**

39. (1) No person shall, without lawful authority or excuse, have in his possession—

(a) any information likely to assist the enemy or any confidential information; or

- (b) any document containing any prejudicial report or
- (c) any unauthorised cinematograph film of the nature described in sub-rule (3) of rule 38.

(2) Any person who, without lawful authority or excuse, has on any premises in his occupation or under his control any document containing any information likely to assist the enemy, any confidential information or any prejudicial report shall, unless he proves that he did not know, and had no reason to suspect, that the said document contained any such information or report as aforesaid, or that the said document was on such premises without his knowledge or against his consent, be deemed to have contravened this rule.

<sup>1</sup>(3)

\* \* \* \*

(4) The licensee of any building or other premises licensed under the Cinematograph Act, 1918, and the occupier, or if there is no occupier, the owner, of any other building or other premises, in or on which any unauthorised film as aforesaid is found, shall, unless he proves that the said unauthorised film was in or on such building or other premises without his knowledge or against his consent, be deemed to have contravened this rule.

(5) In any proceedings arising out of a contravention of this rule in respect of the possession of any document or information, it shall be a defence for the accused to prove that the said document of information—

- (a) was in his possession with the permission or under the authority of Government ; or
- (b) was a proof prepared by or for him for submission to Government or to a person or authority designated by Government in this behalf with a view to the obtaining of permission for its publication; or

(c) was published before the Ordinance came into force.

(6) If any person contravenes any of the provisions of this rule, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

<sup>1</sup> Sub-rule (3) omitted by D.C. Dept, notification No. 520—OR/40, dated the 16th Nov. 1940.

## PART VIII.

## PREPARATIONS FOR DEFENCE.

**Protection of factories and mines.**

**51C.** (1) The Central Government may by order require the owner, manager or agent of any mine, or the occupier or manager of any factory—

(a) to make, within such period as may be specified in the order, a report in writing stating the measures which he has taken or is taking or proposing to take to secure the due functioning of the mine or factory, and the safety of persons and property therein and in the vicinity thereof, in the event of hostile attack ;

(b) to take, within such period as may be specified in the order, such measures as may be so specified, being measures the taking of which is in the opinion of the Central Government necessary for the purposes aforesaid.

(2) The Central Government may by order require any person or class of persons employed in or in connection with, or resident within three miles of, any mine or factory, or class of mines or factories, or any local authority within whose jurisdiction any mine or factory is situated to take, within such period as may be specified in the order, such measures as may be specified, being measures the taking of which is in the opinion of the Central Government necessary to secure the due functioning of such mine or factory, or class of mines or factories, and the safety of persons or property therein or in the vicinity thereof, in the event of hostile attack.

(3) Any person authorised in this behalf by the Central Government may at any time—

(a) enter and inspect any factory or mine for the purpose of ascertaining what measures have been, or ought to be, taken to secure the due functioning of the mine or factory, and the safety of persons and property therein and in the vicinity thereof, in the event of hostile attack, or

- (b) Enter and inspect any premises belonging to or occupied by any person or authority to whom an order made under sub-rule (1) or sub-rule (2) relates for the purpose of seeing whether the order has been complied with.

(4) If in the opinion of the Central Government any person or authority who has been ordered under sub-rule (1) or sub-rule (2) to take any measures has failed to take or is unlikely to complete, the measures within the period specified in the order, then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the, Central Government may cause the said measures to be taken or completed and the cost thereof shall be recoverable <sup>1</sup> \* \* by the Collector as if it were an arrear of land revenue <sup>2</sup>(from such person or authority, or where such person is the manager or agent of a mine or the manager of a factory, from the owner of the mine or ,as the case may be the occupier of the factory).

(4A) For the purposes of this rule—

- (i) "mine" means any mine subject to the operation of the Mines Act, 1923 ;
- (ii) "factory" means any factory subject to the operation of the Factories Act, 1934, and includes any other premises which in the opinion of the Central Government are being used for maintaining supplies or services essential to the life of the community.

(5) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

#### **Keeping of dangerous articles and substances.**

51G. (1) The Central Government or the Provincial Government may by order, in respect of any articles or substances from the explosive or inflammable nature of which special risks are in the opinion of that Government

1. The words "from such person or authority" omitted by D. C. Dept. notification No. 713—OII/41, 10-2-41.

2. Added, *ibid*.



likely to arise in the event of hostile attack, issue directions :—

- (a) prohibiting the keeping of such articles or substances in or on such premises as may be specified in the order ;
- (b) prescribing the quantity of such articles or substances which may be kept in or on any premises;
- (c) requiring the owner or occupier of any premises in or on which such articles or substances are kept to take such measures as may be specified in the order for the protection of persons or property therein or thereon, or in the vicinity thereof ;
- (d) for any incidental or supplementary matters for which that Government thinks it expedient for the purposes of the order to provide, including in particular, the entering and inspection of premises to which the order relates with a view to securing compliance with the order.

(2) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

## PART XII

### ESSENTIAL SUPPLIES AND WORK

**Powers relating to storage accommodation.**

76A. (1) The Central Government or the Provincial Government may by order in writing require the owner, or the person having the management, of any warehouse, or cold storage depot to place it at the disposal of Government the whole or any part of the space or accommodation available in such warehouse or cold storage depot and to employ such space or accommodation for the storage of any articles or things specified in the order, and such an order may require the said owner or person to afford such facilities, and maintain such services, in respect of the storage of such articles or things, as may be specified.

(2) Whenever in pursuance of an order made under sub-rule (1) any space or accommodation in a warehouse or

cold storage depot is placed at the disposal of the Central Government or, as the case may be, of the Provincial Government, and the circumstances are not such as to render the provisions of section 19 of the Defence of India Act, 1939, applicable, the owner of such warehouse or cold storage depot shall be paid therefor at such rates as that Government may by order made in this behalf determine.

(2A). The Central Government or the Provincial Government may, with a view to requisitioning any space or accommodation under sub-rule (1) or to determining the compensation payable therefor, by order require to any person to furnish to such authority or may be specified in the order such information in his possession as may be specified.

(3) If any person contravenes any order made in pursuance of this rule, he shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

#### **Power to provide lighting arrangement in Factories.**

80A. (1) The Central Government, so far as appears to it to be necessary or expedient for the efficient prosecution of the War or for maintaining supplies and services essential to the life of the communities may by order provide that lighting arrangement in any Factory or class of factories shall be in accordance with such standard as may be specified in the Order.

(2) If any person contravenes any order made under this rule he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

#### **General control of industry etc.**

81. (1) In this rule any reference to article shall be construed as including a reference to electrical energy and the expression "undertaking" means any undertaking by way of trade or business and includes the occupation of handling, loading or unloading goods in the course of transport.

(2) The Central Government or the Provincial Government, so far as appears to it to be necessary or expe-

dient for securing the defence of British India or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may by order provide—

- (a) for regulating or prohibiting the production, treatment, keeping storage, movement, transport distribution, disposal, acquisition, use or consumption of articles or things of any description whatsoever and in particular for prohibiting the withholding from sale, either generally or to specified persons or classes of persons, of articles or things kept for sale, and for requiring articles or things kept for sale to be sold either generally or to specified persons or class of persons or in specified circumstances ;
- (aa) for controlling the rates at which any vessel registered in British India may be hired and the rates at which persons or goods may be carried in or on any such vessel ;
- (b) for controlling the prices or rates at which articles or things of any description whatsoever may be sold or hired and for relaxing any maximum or minimum limits otherwise imposed on such prices or rates.
- (bb) for regulating the letting and sub-letting of any accommodation or class of accommodation whether residential or non-residential whether furnished or unfurnished and whether with or without board, and particular either generally or when let to specified persons or class of persons or in specified circumstances.—
  - (i) for controlling the rents for such accommodation, either generally or when let to specified persons or class of persons or in specified circumstances,
  - (ii) for preventing the eviction of tenants and sub-tenants from such accommodation in specified circumstances, and
  - (iii) for requiring such accommodation to be let

- either generally, or to specified persons or classes of persons, or in specified circumstances;
- (bc) for requiring any employers or class of employers to supply to all or any class of their employees and to all or any class of dependants of such employees such essential articles in such quantities and such price as may be specified in the order and to provide such accommodation and other facilities for taking meals or near the place of employment as may be specified.
- (bd) for controlling the recruitment and employment of labour in such areas as may be specified in the order, with a view to securing that sufficient workers are available for essential undertakings.
- (c) for regulating the carrying on of any undertaking engaged in, or capable of doing, work appearing to the Central Government or the Provincial Government essential to any of the above mentioned purposes, and, in particular—
- (i) for requiring work to be done by an undertaking;
  - (ii) for determining the order of priority in which, and the period or periods within which work shall be done by an undertaking;
  - (iii) for controlling or fixing the charges which may be made by the undertakers in respect of the doing of any work by them;
  - (iv) for requiring, regulating or prohibiting the engagement in the undertaking of any employee or any class or classes of employees;
  - (v) for requiring the undertaking to provide adequate safeguards against sabotage;
- (d) for requiring persons carrying on any undertaking to keep such books, accounts and records relating to the undertaking and to employ such accounting and auditing staff, as may be specified in the order;
- (e) for requiring persons carrying on, or employed in connection with, any undertaking to produce to

work shall not be carried on by a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time save with the permission of the [Provincial Government]<sup>1</sup> and subject to such conditions as it may impose, either generally or in the case of any particular factory.

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## CHAPTER V.

### SPECIAL PROVISIONS FOR ADOLESCENTS AND CHILDREN

#### **Prohibition of employment of young children.**

50. No child who has not completed his twelfth year shall be allowed to work in any factory.

#### **Non-adult workers to carry tokens giving reference to certificates of fitness.**

51. No child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless—

- (a) a certificate of fitness granted to him under Section 52 is in the custody of the manager of the factory, and
- (b) he carries while he is at work a token giving a reference to such certificate.

#### **Certificates of fitness.**

52. (1) A certifying surgeon shall, on the application of any young person who wishes to work in a factory, or of the parent or guardian of such person, or of the manager of the factory in which such person wishes to work, examine such person and ascertain his fitness for such work.

(2) The certifying surgeon, after examination, may grant to such person, in the prescribed form—

- (a) a certificate of fitness to work in a factory as a child, if he is satisfied that such person has completed his twelfth year, that he has attained the

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<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

such authority as may be specified in the order any books, accounts or other documents relating to the undertaking and for requiring such persons to furnish to such authority and for requiring such persons to furnish to such authority as may be specified in the order such estimates, returns or other information relating to the undertaking as may be specified in the order or demanded thereunder ;

- (f) for any incidental and supplementary matters for which the Central Government or Provincial Government thinks it expedient for the purposes of the order to provide, including, in particular, the entering, search and inspection of premises to which the order relates with a view to securing compliance with the order; the seizure subject to the provisions of sub-rule (3c) by a person authorised to make such search of any articles in respect of which such person has reason to believe that the contravention of the order has been, is being or is about to be committed the grant or issue of licences, permits, certificates and other documents and charging of fees therefor and an order under this rule may be made so as to apply either to persons or undertakings generally or to any particular person or undertaking or class of person or undertaking and either to the whole or to any part of any undertaking, and so as to have effect either generally or in any particular area.

(2a) any orders made, and any action taken under or in relation to clause (ba) or sub-rule 2 before the 15th March 1943 shall be deemed to have been taken under or in relation to clause (bb) of that sub-rule as amended with effect from that day.

(3) If it appears to the Central Government or the Provincial Government that in the interests of the defence of British India or the efficient prosecution of the War, or for maintaining supplies and services essential to the life of the community, it is necessary to exercise control over the whole or any part of an existing undertaking, that

Government may by order authorise any person hereinafter referred to as an authorised controller to exercise, with respect to the undertaking or any part thereof specified in the order, such functions of control as may be provided by the order, and so long as an order made under this sub-rule is in force with respect to any undertaking or part of an undertaking.—

- (a) the authorised controller shall exercise his functions in accordance with any instructions given to him by the Central Government, or the Provincial Government so, however, that he shall not have power to give any directions inconsistent with the provisions of any Act or other instrument determining the functions of the undertakers except in so far as may be specifically provided by the order; and
  - (b) the undertaking or part shall be carried on in accordance with any directions given by the authorised controller in accordance with the provisions of the order, and any person having any functions of management in relation to the undertaking or part shall comply with any such directions;
  - (c) any article seized under the authority of any order made under clause (f) of sub-rule (2) and shall be conveyed without delay before a magistrate who may give such directions as to their temporary custody and as he thinks fit, so however, that where no prosecution is instituted for contravention of the order in respect of the articles seized within a period in his opinion reasonable, magistrate shall direct their return to the person from whom they were seized; and subject to the foregoing provisions of this sub-rule, the provisions of the code of Criminal Procedure, 1898, shall so far as they may be applicable, apply to any search or seizure under the authority of any such order as they apply any search or seizure under chapter VII of that Code.
- (3A) The Central Government, so far as it appears to

it to be necessary or expedient for securing the defence of British India or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community, may direct the employment of persons subject to the Indian Army Act, 1911, or the Indian Air Force Act, 1932, in any undertaking or part thereof—

- (i) which is being carried on by the Central or a Provincial Government, or
- (ii) which, in the opinion of the Central Government, is engaged in any trade or business essential to the life of the community, or
- (iii) with respect to which an order made under sub-rule (3) is in force ;

and thereupon it shall be the duty of every person so subject to obey any command given by any superior officer in relation to such employment and every such command shall be deemed to be a lawful command within the meaning and for the purpose of the Indian Army Act, 1911, or the Indian Air Force Act, 1932, as the case may be.

(3B). A direction under sub-rule (3A) may be made with or without the consent of the person carrying on the undertaking or part thereof to which the direction relates but if made without his consent shall be communicated to such person who shall thereupon be deemed to have contravened an order made under this rule if he obstructs or fails to facilitate the employment of persons subject to the the Indian Army Act; 1911, or the Indian Air Force Act, 1932, in pursuance of the direction.

(4). If any person contravenes any order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both and if the order so provides, any Court trying such contravention may direct any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to His Majesty;

Provided that where contravention is of an order relating to an article of food which contains express provision in this behalf, Court shall make such direction, unless for reasons to be recorded in writing it is of opinion that



the direction not be made in respect of the whole, or as the case may be, a part of the property.

### **Avoidance of strikes and lock-outs**

81A. (1) If in the opinion of the Central Government it is necessary or expedient so to do for securing the defence of British India, the public safety, the maintenance of public order or the efficient persecution of War, or for maintaining supplies and services essential to the life of the community, the Central Government may, by general or special order, applying generally or to any specified area, make provision—

- (a) for prohibiting, subject to the provisions of the Order a strike or lock-out in connection with any trade dispute ;
  - (b) for requiring employers, workmen or both to observe for such period as may be specified in the order such terms and conditions of employment as may be determined in accordance with the Order;
  - (c) for referring any trade dispute for conciliation or adjudication in the manner provided in the Order;
  - (d) for enforcing for such period as may be specified in the order or all any of them decisions of the authority to whom a trade dispute has been referred for adjudication ;
  - (e) for any incidental or supplementary matters which appear to the Central Government necessary or expedient for the purposes of the Order ;
- Provided that no order made under clause (b)—
- (i) shall require an employer to observe terms and conditions of employment less favourable to the workmen than those which were applicable to them at any time within three months preceeding the date of the Order ;
  - (ii) where a trade dispute is referred for adjudication under clause (c) shall be enforced under the decision of the adjudicating authority is announced by, or with the consent of the Central Government.
- (2) Unless any such order makes express provision to the contrary nothing there shall affect the power to refer

any trade disputes or matters connected therewith for report or settlement under the Trade Disputes Act 1929.

(3) Nothing in the Arbitration Act, 1940, shall apply to any proceedings under any such order.

(3A). An order made under sub-rule (1) referring a trade dispute for adjudication shall specify as far as may be practicable the matters upon which adjudication is necessary or desirable

Provided that :

(i) The Central Government may, of its own motive, or at the instruction of any adjudicating authority, add to, amend or vary the matters so specified;

(ii) the Central Government may, with a view to specify the said matters direct the adjudicating authority to make a preliminary inquiry into the nature of the dispute, and postpone specification for such time as may be reasonably required.

(4) If any person contravenes any order made under the rule, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(5) In this rule the expression "employer," "lock-out," "strike," "Trade dispute," and "workmen" shall have meanings respectively assigned to them in Section 2 of the Trade Disputes Act, 1929 (VII of 1929), subject to the modification that references to "Trade or Industry" in the definitions of "strike" and "workmen" in the said section shall be construed as including the performance of its functions by a local authority.

## PART XIV FINANCIAL PROVISIONS

### Compensations.

96. (1) Whenever in pursuance of any of rules 49, 66, 72, 76, 78, (79 and 80), any property is removed, destroyed, rendered useless, used, requisitioned or acquired by, otherwise placed, at the disposal or under the control of, the Central Government or a Provincial Government and the circumstances are not such as to render the provisions

of section 19 of the Defence of India Act, 1939 applicable the owner of such property shall be paid such compensation for any loss he may have sustained as a result of such removal, destruction, rendering useless, use, requisitioning, acquisition disposal or control as may be fixed in accordance with the provisions of this rule.

(2) In default of agreement between Government and the owner of the property, the Central Government or the Provincial Government, as the case may be, shall be general or special order specify the authority or person through which or whom any claim for compensation under sub-rule (1) shall be submitted and the authority or person by which or whom any such claim shall be adjudged and awarded.

(3) The Central Government or the Provincial Government, as the case may be, may further by general or special order prescribe the conditions to which the authority or person responsible for adjudging or awarding claims for compensation shall have regard when determining the amount of compensation payable, and may give such supplementary orders as to the assessment and payment of compensation as may appear to it to be necessary or expedient.

## PART XVII.

### MISCELLANEOUS PROVISIONS

#### False statements.

117. If any person—

- (i) when required by or under any of these Rules to make any statement or furnish any information, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not true, in any material particular, or
- (ii) makes any such statement as aforesaid in any account, declaration, estimate, return or other document which he is required by or under any of

these Rules to furnish, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

**Powers to require production of books etc.**

117A. (1) Where any person is required by or under any of these Rules to make any statement or furnish any information to any authority, that authority may by order, with a view to verifying the statement made or the information furnished by such person, further require him to produce any books, accounts or other documents relating thereto which may be in his possession or under his control.

(2) If any person fails to produce any books, accounts or other documents in compliance with an order made under sub-rule (1) he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

**Prohibition against disclosing information.**

118. (1) No person who obtains any information by virtue of these Rules shall, otherwise than in connection with the execution of the provisions of these Rules or of any order and in pursuance thereof, disclose that information to any other person except with permission granted by or on behalf of Government.

(2) If any person contravenes the provisions of sub-rule (1) he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

**Publication affixation and defacement of notices.**

119. (1) Save as otherwise expressly provided in these Rules, every authority officer or person who makes any order in writing in pursuance of any of these Rules shall, in the case of an order of a general, nature or affecting a class of persons publish, notice of such order in such manner as may, in the opinion of such authority, officer or person, be best adapted for informing persons whom the order concerns in the case of an order affecting an individual, corporation or firm serve or cause to be served in the man-

ner described for the service of a summons in Rule 2 of order XXIX or Rule 3 of Order XXX as the case may be in the First Schedule to the Code of Civil Procedure, 1908 (V of 1908) and in the case of an order affecting an individual person not being Corporation or firm serve or cause the order to be served on that person—

- (i) personally, by delivering or tendering to him the order, or
- (ii) by post, or
- (iii) where the person cannot be found, by leaving an authentic copy of the order with some adult member of his family or by affixing such copy to some conspicuous part of the premises on which he is known to have last resided or carried on business or personally worked for gain and thereupon, the persons, Corporation, firm or person concerned shall be deemed to be duly informed of the Order.

(1A). Where any of these rules empowers an authority officer or person to take action by notified order, the provisions of sub-rule (1) shall not apply in relation to such order, and all persons whom the order concerns shall, upon its order, and all persons whom the order concerns shall, upon its notification be deemed to have been duly informed of it.

(2) Any police officer, and any other person authorised by Government in this behalf may, for any purpose connected with the defence of British India, public safety, the maintenance of public order, efficient prosecution of the war, maintaining supplies and services essential to the life of the community or the administration of these rules, affix any notice to, or cause any notice to be displayed on, any premises, vehicle, or vessel if any may for the purpose of exercising the power conferred by this rule enter any premises, vehicle or vessel at any time.

(3) Any person authorised by Government in this behalf may for any purpose mentioned in sub-rule (2) by order direct the owner or other person in possession or control of any premises, vehicle or vessel to display any notice

on, or in, the premises vehicle or vessel in such manner as may be specified in the order.

a (4) If any person without lawful authority removes, alters, defaces, obliterates or in any way tampers with any notice affixed or displayed in pursuance of these rules, or contravenes any orders under sub-rule (3), he shall be punishable with imprisonment which may extend six months or with fine or with both.

## PART XVIII.

### SUPPLEMENTARY AND PROCEDURAL.

#### Attempts etc. to contravene the Rules.

121. Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to a contravention of, any of the provisions of these Rules or of any order made thereunder shall be deemed to have contravened that provision or, as the case may be, that order.

#### Entry and inspection of land.

Any member of His Majesty's forces acting in the course of his duty as such, and any person authorised by the Central Government or the Provincial Government to act under this rule,—

- (a) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by any of these Rules ;
- (b) may enter and inspect any land for the purpose of determining whether, and, if so, in what manner, any of those powers are to be exercised in relation to that land ;
- (c) may; for any purpose connected with the defence of British India, the public safety, the efficient prosecution of war, or the maintenance of supplies and services essential to the life of the community, pass with or without animals or vehicles over any land.



prescribed physical standards (if any), and that he is fit for such work ; or

- (b) a certificate of fitness to work in a factory as an adult, if he is satisfied that such person has completed his fifteenth year and is fit for a full day's work in a factory.

(3) A certifying surgeon may revoke any certificate granted under sub-section (2) if, in his opinion, the holder of it is no longer fit to work in the capacity stated therein in a factory.

(4) Where a certifying surgeon or a practitioner authorised under sub-section (2) of Section 12 refuses to grant a certificate or a certificate of the kind requested, or evokes a certificate, he shall if so requested by any person who could have applied for the certificate state his reasons in writing for so doing.

**Effect of certificate granted to adolescent.**

53. (1) An adolescent who has been granted a certificate of fitness to work in a factory as an adult, under clause (b) of sub-section (2) of Section 52, and who, while at work in a factory, carries a token giving reference to the certificate, shall be deemed to be an adult for all the purposes of Chapter IV.

(2) An adolescent who has not been granted a certificate of fitness to work in a factory as an adult under sub-section (2) of Section 52, shall, notwithstanding his age, be deemed to be a child for the purposes of this Act.

**Restrictions on the working hours of a child.**

54. (1) No child shall be allowed to work in a factory for more than five hours in any day.

(2) The hours of work of a child shall be so arranged that they shall not spread over more than seven-and-a-half hours in any day.

(3) No child shall be allowed to work in a factory except between 6 a.m. and 7 p.m. . . . .

Provided that the [Provincial Government]<sup>1</sup> may, by

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<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.



## PART IV

**Insurance Schemes promulgated as Ordinances by the Government of India since 1st September, 1939, i.e., since the War. These Insurance Schemes are reproduced with the permission of the Government of India but not under their authority or direction.**



## War Injuries (Compensation Insurance) Act, 1943.

(India Act, No. XXIII of 1943)

### INTRODUCTION

The object of the War Injuries (Compensation Insurance) Act is to impose on the employers concerned an obligation to pay compensation in respect of war injuries to the following classes of workmen, calculated to amount approximately to the difference between the amount paid by the Government under the War Injuries Scheme and the amount which would have been payable under the Workmen's Compensation Act, if the war injury had given a right to compensation thereunder.

- (a) Workmen employed in any employment or class of employment to which the Essential Services (Maintenance) Ordinance 1941 (XI of 1941) has been declared under section 3 of that Ordinance to apply whether such declaration is or is not subsequently revoked.
- (b) Workmen employed in any factory as defined in clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934).
- (c) Workmen employed in any mine within the meaning of the Indian Mines Act, 1923 (IV of 1923).
- (d) Workmen employed in any major port.
- (e) Workmen employed on any estate which is maintained for the purposes of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been employed as workmen.
- (f) Workmen employed in any employment specified in this behalf by the Central Government by notification in the Official Gazette.

Under Section 4 of the War Injuries Ordinance, 1941, whatever liability an employer may have had under the Workmen's Compensation Act, 1923, in respect of war injuries or war service injuries, was removed. The present

Act now imposes on employers of workmen mentioned above a special liability to pay compensation in respect of war injuries. The amount of compensation provided for in the Act is roughly such as would bring up the relief paid by Government under the War Injuries Scheme, to the appropriate level of compensation which would be payable if the provisions of the Workmen's Compensation Act had applied. Were the monthly wages of a workman are more than Rs. 300 the compensation payable under the Act is the amount payable in the case of a workman whose monthly wages are more than Rs. 200.

It is possible that some employers may have voluntarily undertaken to pay compensation in respect of some of their employees on a scale even higher than what is provided for in the Act. A provision has, therefore, been made in section 4 of the Act limiting the right of workmen to receive compensation otherwise than under the Act and under the War Injuries Scheme to so much only of compensation as exceeds the amount of compensation payable under the Act.

### **Insurance of Liability.**

Every employer other than a contractor whose contract is of less than one month in duration, to whom the Act applies is required to take out a policy of insurance from the Central Government and this policy will insure him until the termination of the present hostilities or until the date he ceases to be an employer, if such date is earlier.

The provisions for compulsory insurance are naturally not made binding on the Crown; nor will they bind any Federal Railway unless the Central Government orders otherwise by notification in the Official Gazette.

Insurance business in respect of liabilities for insurance under the Act is prohibited otherwise than by agents authorised by the Central Government. These Agents will collect, on behalf of the Central Government the premiums from employers. A list of Agents will be found at pages 1194-1197 of this book.

### Amount of Premiums.

The scheme of the Act is that the total amount of premium will be fixed finally after the termination of the hostilities. The total premium will be assessed as a percentage on the total wage bill of an employer for four complete 'quarters' immediately preceding the termination of hostilities.

Advance payment against this final total premium will however, be recovered from employers. Such periodic payments shall not be more frequent than once in each quarter of a year.

Under the Act the first of such payments shall not exceed 4 annas per Rs. 100 of the wage bill for the period by reference to which the amount of the payment is fixed. Clause 8 of the Scheme fixes the amount of the first premium at 4 annas per Rs. 100 of the wage bill.

As regards subsequent periodic payments, there is an important limitation on their rate: "The rate of any periodic payment after the first shall not be higher than the rate estimated to raise the amount in the Fund after repayment of the advances, if any, paid into the Fund by the Central Government under sub-section (2) of section 11, to a sum of Rs. 15 lakhs."

In order not to prejudice the payment of claims, if the amount in the insurance fund is not sufficient at any time, the Central Government is required to pay into the Fund as an advance out of general revenues, such amount as the Central Government considers necessary.

### How to Insure.

Every employer required to take out a policy of insurance must apply for insurance to a Government Agent or to such Officer as may be authorised by a Government Agent in this behalf. Such application shall be made—

- (a) if the employer had been an employer for one complete quarter before the 1st January 1944, then on or after 10th January 1944 and not later than 9th February 1944;

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(b) in all other cases, within one month of the employer's having been an employer for one quarter.

**Wage Bill.**

Wages are defined in the Act to have the same meaning as in the Workmen's Compensation Act and this definition will govern the amount of compensation which would be payable in any individual case. The Act, however, gives the Central Government power to prescribe by rules the principles to be followed in ascertaining the total wages bill of employers "including provisions for the exclusion therefrom of certain elements" included in the definition of wages.

Rule 3 of the rules made under the Act provides that the wage bill for the purposes of calculating premiums shall include all cash wages excluding allowances, if any, given on account of increased cost of living. The amount of premium will be calculated with reference to this wage bill.

**Principals and Contractors.**

The Act provides that the liabilities of a contractor whether he lends or lets on hire the services of workmen or executes any work for a principal employer shall not be transferred to the principal employer. The principal employer will only be required to furnish the necessary information regarding the terms of his arrangement or contract with the contractor. In this respect, the Act makes a departure from the provisions of the Workmen's Compensation Act. The latter Act imposes on the principal employer, by virtue of the definition of an 'employer', liabilities in respect of workmen whose services are lent or let on hire to him. That Act also imposes on the principal employer himself, the primary liability for payment of compensation in respect of contractor's workmen, giving him however the right to indemnify himself from the contractor who executes any work for the principal.

The War Injuries (Compensation Insurance) Act does not impose on the principal employer any liability to pay compensation in respect of workmen employed by contractors.

The Act further provides that it shall not be necessary for the contractor to insure against the liabilities imposed by the Act where the contract or arrangement is for a term of less than a month. As will be clear from other provisions of the Act, although the workman may be employed for a short term the interests of the workman who sustains injuries, or in the event of his death, of his dependants, are preserved. Compensation in this respect will be payable directly out of the insurance fund, although no insurance of the liability of the employer is necessary in this respect.

The liabilities of the contractor and the principal have been defined in clause 21 of the Scheme as follows :—  
 "The contractor.—(a) The contractor shall be under an obligation in like manner as if he were any other employer for insuring the workmen working under him.  
 (b) The contractor shall be responsible for informing the principal of the name of the Government Agent with whom he intends to insure.

The principal.—The principal shall be responsible for bringing to the notice of the Government Agent with whom he has insured the existence of any contractors working under him. The principal will not be responsible for the accuracy of figures included in the applications made by the character."

### **The Insurance Fund.**

The War Injuries Compensation Insurance Fund will consist of all sums received by way of insurance premiums or by way of payments made on compositions of offences or by way of expenses or compensation awarded by the Court out of any fine imposed under the Act or by way of penalties imposed under the Scheme. The Fund will be utilised to pay sums required for the payment of compensation to workmen, for the remuneration or expenses of agents employed for the insurance scheme and for payment of the cost of administering the Scheme. The Fund cannot be utilised to pay compensation to workmen employed by the Crown for the obvious reason that the Crown is not required by pay insurance premiums in respect of such work-

## LABOUR AND FACTORY LEGISLATION

men. As stated earlier the Central Government is required to make advances to the Fund when the amount standing to the credit of the Fund is not adequate for the purposes of the Act or the Scheme.

The Act makes an important provision regarding the balances in the Fund: "If when all payments which have to be made out of the Fund, have been defrayed any balance remains in the Fund, the balance shall be constituted into a Fund to be utilised and administered by the Central Government for the benefit of workmen."

### **Assessment of Claims and Payment of Compensation.**

The compensation payable under the Act will be only in respect of war injuries for which provision for basic relief is already made in the War Injuries Scheme. As every case of compensation under the Act must already have been a case of relief under the War Injuries Scheme, the work of assessment of claims can easily be done by the "Claims Officers" under the War Injuries Scheme. The War Injuries Compensation Insurance Scheme therefore provides that the same "Claims Officer" as would make decisions under the War Injuries Scheme should decide applications for compensation under the present Act.

The Scheme also specifies that the compensation payable under this Act may be withheld, cancelled, reduced or reviewed if the award under the War Injuries Scheme is withheld, cancelled, reduced or reviewed, the appropriate authorities under both Schemes being the same.

Thus the same machinery as administers the War Injuries Compensation Insurance Scheme, payments will be made at Post-offices or through Government Treasuries. As regards payment of compensation, the War Injuries Scheme will be utilised for the purpose of the War Injuries Compensation Insurance Scheme.

A provision is made for the payment of compensation by instalments. (Clause 17 of the Scheme).

### **Application to Indian States.**

If an Indian State makes provisions substantially corresponding to the provisions of the Act, the Central Government is empowered by the Act to declare, by notification in



the Official Gazette, that Section 21 of the Act shall apply to that State. On the application of that Section, the Scheme made under the Act shall extend to the undertaking by the Central Government in respect of employers in that State of the same liability in the same manner to the same extent and subject to the same conditions as if such employers were in British India.

*An Act to impose on employers a liability to pay compensation to workmen sustaining war injuries and to provide for the insurance of employers against such liability.*

WHEREAS it is expedient to impose on employers a liability to pay compensation to workmen sustaining injuries and to provide for the insurance of employers against such liability;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the War Injuries (Compensation Insurance) Act, 1943.<sup>1</sup>
- (2) It extends to the whole of British India, and applies also to British subjects in any part of India.
- (3) It shall come into force on such date\* as the Central Government may, by notification in the Official Gazette, appoint.

### Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

- (a) "adult" and "minor" have the meanings assigned to those expressions in the Workmen's Compensation Act, 1923 (VIII of 1923);
- (b) "employer" includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased

\* This Act came into force with effect from 16th November 1943 vide Government of India, Labour Department Notification No. L. WIS-828, dated 10th November 1943.  
<sup>1</sup> The Act is made applicable to the partially excluded area in the Province of Bombay subject to the modification that sub-section (3) of sec. 1 of the Act should be deleted. Vide Government of Bombay Gaz. Part IV-A p. 83 of 1-0-44.

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ed employer, and when the services of a workman are temporarily lent or let on hire to another person with whom the workman has entered into a contract of service or apprenticeship, means the latter person while the workman is working for that other person;

(c) "the Fund" means the War Injuries Compensation Insurance Fund constituted under section 11;

(d) "gainfully occupied person" and "war injury" have the meanings assigned to those expressions in the War Injuries Ordinance, 1941 (VII of 1941);

(e) "partial disablement" means, where the disablement is of a temporary nature such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time the injury was sustained, and where the disablement is of a permanent nature, such disablement as reduces his earning capacity in any employment which he was capable of undertaking at that time:

Provided that every injury specified in items 2 to 9 of the Schedule shall be deemed to result in permanent partial disablement.

(f) "prescribed" means prescribed by rules made under section 20;

(g) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time the injury was sustained;

Provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any injury specified in item 1 of the Schedule or from any combination of injuries specified in items 2 to 9 of the Schedule where the aggregate percentage of disability as specified in that Schedule against those injuries amounts to one hundred per cent.;

(h) the "Scheme" means the War Injuries Compensation Insurance Scheme referred to in sub-section (1) of section 7;

notification in the [Official Gazette]<sup>1</sup>, in respect of any class or classes of factories and for the whole year or any part of it, vary these limits to any span of thirteen hours between 5 a.m. and 7-30 p.m.<sup>2</sup>

(4) The provisions of Section 35 shall apply also to child workers, but no exemption from the provisions of that Section may be granted in respect of any child.

(5) No child shall be allowed to work in any factory on any day on which he has already been working in another factory.

#### **Notice of Periods for Work for Children.**

55. (1) There shall be displayed and correctly maintained in every factory, in accordance with the provisions of sub-section (2) of Section 76, a Notice of Periods for Work for Children showing clearly the periods within which children may be required to work.

(2) The periods shown in the Notice required by sub-section (1) shall be fixed beforehand in accordance with the method laid down for adults in Section 39 and shall be such that children working for those periods would not be working in contravention of Section 54.

(3) The provisions of Section 40 shall apply also to the Notice of Periods for Work for Children.

(4) The [Provincial Government]<sup>3</sup> may make rules prescribing forms for the Notice of Periods for Work for Children and the manner in which it shall be maintained.

#### **Register of Child Workers.**

56. (1) The manager of every factory in which children are employed shall maintain a Register of Child Workers showing—

- (a) the name of each child worker in the factory,
- (b) the nature of his work,
- (c) the group, if any, in which he is included,

<sup>1</sup> These words were substituted for the words "Local Official Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> Until the termination of the hostilities this proviso shall have effect as if for the figures and letters "7-30 p.m." the figures and letters "8-30 p.m." had been substituted.

Vide G. of B. Gaz. Part IV, p. 103 of 5/5/44. Indian Act No. XIV of 1944.

<sup>3</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

- (i) "wages" means wages as defined in the Workmen's Compensation Act, 1923 (VIII of 1923), and "monthly wages" has the meaning assigned to that expression by section 5 of the Workmen's Compensation Act, 1923 (VIII of 1923), and shall be calculated for the purposes of this Act in the manner laid down in that section;
- (j) "workman" means any person other than a person whose employment is a casual nature and who is employed otherwise than for the purposes of the employers' trade or business who is employed in any of the employments specified in section 6.

**Compensation payable under the Act by whom and how payable.**

3. (1) There shall, subject to such conditions as may be specified in the Scheme, be payable by an employer, in respect of a war injury sustained by a gainfully occupied person who is a workman to whom this Act applies, compensation, in addition to any relief provided under the War Injuries Ordinance, 1941 (VII of 1941, of the amount and kind provided by section 5;

Provided that where an employer has taken out a policy of insurance as required by sub-section (1) of section 9 and has made all payments by way of premium thereon which are subsequently due from him in accordance with the provisions of the Scheme, or where by the provisions of sub-section (2) of section 12 the employer is not required to insure, the Central Government shall assume and discharge on behalf of the employer the employer's liability to pay compensation payable under this Act shall be

(2) The compensation payable under this Act shall be payable in accordance with the provisions made in this behalf contained in the Scheme.

(3) This section shall be binding on the Crown.

**Limitation on right to receive compensation otherwise than under this Act and Ordinance VII of 1941.**

4. Where any person has a right apart from the provisions of this Act and of the War Injuries Ordinance, 1941 (VII of 1941), to receive compensation, whether in the

form of gratuity, pension, compassionate payment or otherwise or damages from an employer in respect of a war injury in respect of which compensation is payable under this Act, the right shall extend only to so much of such compensation or damages as exceeds the amount of compensation payable under this Act.

**Amount of compensation.**

5. (1) The compensation payable under this Act shall be as follows, namely:—

- (a) where death results from the injury—
  - (i) in the case of an adult—the amount payable in a like case under the Workmen's Compensation Act, 1923 (VIII of 1923), reduced by seven hundred and twenty rupees, and
  - (ii) in the case of a minor—two hundred rupees;
- (b) where permanent total disablement results from the injury—
  - (i) in the case of an adult—the amount payable in a like case under the Workmen's Compensation Act, 1923 (VIII of 1923), reduced by one thousand and eight rupees, and
  - (ii) in the case of a minor—the monthly payment payable in a like case to an adult under the Scheme made under the War Injuries Ordinance, 1941 (VII of 1941), for so long as he remains a minor, and thereafter as in the foregoing sub-clause ;
- (c) where permanent partial disablement results from the injury—
  - (i) in the case of an injury specified in the Schedule—such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of disablement ;
  - (ii) in the case of an injury not specified in the Schedule—the percentage of such compensation specified in the Schedule for a disable-

ment held by a competent medical authority acting under the Scheme made under the War Injuries Ordinance, 1941 (VII of 1941), to be of corresponding degree ;

- (iii) where more injuries than one are sustained—the aggregate of the compensation payable in respect of those injuries, so however as not to exceed in any case the compensation which would have been payable if permanent total disability had resulted from the injuries ;
- (d) where temporary disablement, whether total or partial, results from the injury—
  - (i) in the case of an adult—the half-monthly payments payable in a like case under the Workmen's Compensation Act, 1923 (VIII of 1923), reduced in each case for so long as he receives any payment under the Scheme made under the War Injuries Ordinance 1941 (VII of 1941), by seven rupees, and
  - (ii) in the case of a minor—the half-monthly payments payable in a like case under the Workmen's Compensation Act, 1923 (VIII of 1923), for so long as he remains a minor, and thereafter as in the foregoing sub-clause.

(2) Where the monthly wages of a workman are more than three hundred rupees, the compensation payable under this Act shall be the amount payable under the provisions of sub-section (1) in the case of a workman whose monthly wages are more than two hundred rupees.

**Workmen to whom the Act applies.**

6. The workmen to whom this Act applies are—

- (a) workmen employed in any employment or class of employment to which the Essential Services (Maintenance) Ordinance, 1941 (XI of 1941), has been declared under section 3 of that Ordinance to apply, whether such declaration is or is not subsequently revoked ;
- (b) workmen employed in any factory as defined in

- clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934);
- (c) workmen employed in any mine within the meaning of the Indian Mines Act, 1923 (IV of 1923);
  - (d) workmen employed in any major port;
  - (e) workmen employed on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been employed as workmen;
  - (f) workmen employed in any employment specified in this behalf by the Central Government by notification in the Official Gazette.

### **War Injuries Compensation Insurance Scheme.**

7. (1) The Central Government shall, by notification in the Official Gazette, put into operation a scheme to be called the War Injuries Compensation Insurance Scheme whereby provision is made for all matters necessary to give effect to the purposes of this Act and where- by the Central Government undertakes, in relation to employers of workmen to whom this Act applies, the liabilities of insuring such employers against liabilities incurred by them to workmen under this Act and the Scheme.
- (2) The Scheme shall secure that any liability of the Central Government as insurer under the Scheme is determined by a policy of insurance issued in the prescribed form by a person acting on behalf of the Central Government.
- (3) The Scheme may provide that it shall come into operation or shall be deemed to have come into operation on such date as may be specified therein.
- (4) The Scheme may be amended at any time by the Central Government.
- (5) Without prejudice to the generality of the provisions of sub-section (1), the Scheme may—
- (a) make provisions regulating the payment of the compensation payable under this Act and the Scheme, including provision for punishment by

fine not exceeding one thousand rupees for the contravention of any requirement of the Scheme ;

- (b) make provisions specifying the persons to whom and the proportions and manner in which payments under this Act shall be made ;
- (c) specify conditions or circumstances which will disentitle a workman to the compensation payable under this Act, and make it an express or implied condition of any policy of insurance issued under the Scheme that the payment of compensation in defiance of such specification is not covered by the policy ;
- (d) specify the conditions or circumstances under which the compensation payable to a workman may be withheld, cancelled, reduced or reviewed if the award made under the Scheme made under the War Injuries Ordinance, 1941 (VII of 1941), is withheld, cancelled, reduced or reviewed.
- (e) provide for cases in which an employer has of his own accord undertaken a part or the whole of the liability imposed by this Act ;
- (f) provide for the final assessment of the total premium due on a policy of insurance under the Scheme as a percentage of the total wages bill of an employer for a period of not less than twelve or more than fifteen months immediately preceding the termination of the present hostilities, and for the assessment of the total premium due on a policy which has ceased to be in force before the termination of the present hostilities owing to the employer having gone out of business.
- (g) provide for the recovery from an employer of the total premium due on a policy of insurance including provision for its recovery by periodic advance payments of an amount based on a percentage of his total wages bill for any prescribed period, the separate funding of the payments so made by each employer, and the eventual adjust-



ment of the total premium as finally assessed against the total of such periodic payments:

Provided that the first of such periodic payments shall be an amount representing not more than four annas per hundred rupees of the wages bill for the period by reference to which the amount of the payment is fixed :

Provided further that such periodic payments shall not be more frequent than once in each quarter of a year:

Provided further that the rate of any periodic payment after the first shall not be higher than the rate estimated to raise the amount in the Fund after repayment of the advances, if any, paid into the Fund by the Central Government under sub-section (2) of section 11, to a sum of rupees fifteen lakhs.

#### **Employment of agents by the Central Government.**

8. The Central Government may employ or authorise the employment of any person or firm to act as its agents for any of the purposes of this Act, and may pay to persons or firms so employed such remuneration as the Central Government thinks fit.

#### **Compulsory insurance.**

9. (1) Every employer of workmen to whom this Act applies or is subsequently made applicable shall before such date as may be prescribed, or before the expiry of such period as may be prescribed after his having first become such an employer, take out a policy of insurance issued in accordance with the Scheme, whereby he is insured until the termination of the present hostilities or until the date, if any, prior to the termination of the present hostilities at which he ceases to be an employer to whom this section applies, against all liabilities imposed on him by this Act.

(2) Whoever contravenes the provisions of sub-section (1) or, having taken out a policy of insurance as required by that sub-section, fails to make any payment by way of premium thereon which is subsequently due from him in accordance with the provisions of the Scheme shall be punishable with fine which may extend to one thousand

rupees and shall also be punishable with a further fine which may extend to five hundred rupees for every day after having been so convicted on which the contravention or failure continues.

(3) This section shall not bind the Crown nor, unless the Central Government by notification in the Official Gazette otherwise orders, any Federal Railway.

**Prohibition of certain insurance business.**

10. (1) After the date on which the Scheme is put into operation no person shall, except as a person authorised by the Central Government as its agent to issue policies in pursuance of the Scheme, carry on the business of insuring employers in British India against the liabilities for insurance against which the Scheme provides.

(2) Nothing in sub-section (1) applies to any policy of insurance entered into before the date on which the Scheme is put into operation and current after that date or to any policy of insurance covering liabilities undertaken in excess of the liabilities imposed by this Act.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to five thousand rupees and with a further fine which may extend to one thousand rupees for every day after the first on which the contravention continues.

**War Injuries Compensation Insurance Fund.**

11. (1) The Central Government shall establish a fund for the purposes of this Act to be called the War Injuries Compensation Insurance Fund into which shall be paid all sums received by the Central Government by way of insurance premiums under the Scheme or by way of payments made on composition of offences under section 17 or by way of expenses or compensation awarded by a Court under section 545 of the Code of Criminal Procedure, 1898 (V of 1898), out of any fine imposed under this Act, or by way of penalties imposed under the Scheme, and out of which shall be paid all sums required for the discharge by the Central Government of any of its liabilities under this Act or the Scheme, or for the payment

by the Central Government of the remuneration and expenses of agents employed for the purposes of the Scheme, or for the payment by the Central Government of the costs of administering the Scheme:

Provided that no payment from the Fund shall be made in discharge of any liability of the Crown to pay compensation to workmen employed by it.

(2) If at any time the sum standing to the credit of the Fund is less than the sum for the time being necessary for the adequate discharge of the purposes of the Fund, the Central Government shall pay into the Fund as an advance out of general revenues such amount as the Central Government considers necessary.

(3) If when all payments which have to be made out of the Fund have been defrayed, any balance remains in the Fund, the balance shall be constituted into a Fund to be utilised and administered by the Central Government for the benefit of workmen.

(4) The Central Government shall prepare in such form and manner as may be prescribed and shall publish every six months an account of all sums received into and paid out of the Fund.

#### **Principals and contractors.**

12. (1) Where a person (in this section referred to as the principal) uses, in the course of or for the purposes of his trade or business, the services of workmen temporarily lent or let on hire to him by arrangement with another person with whom the workmen have entered into contracts of service or apprenticeship, or in the course of or for the purposes of his trade or business, contracts with any other person for the execution by or under such other person of the whole or any part of any work which is ordinarily part of the trade or business of the principal either such other person being in this section referred to as the contractor the principal shall obtain from the contractor the name of the agent of the Central Government acting under section 8 with whom he intends to insure,

and shall report to that agent the existence of his arrangement or contract with the contractor.

(2) Notwithstanding anything elsewhere contained in this Act, in any such case as is referred to in sub-section (1), it shall not be necessary for the contractor to insure against the liabilities imposed on him by this Act in respect of workmen employed by him whose services are lent or let on hire on such an arrangement or used in the execution of work on such a contract as is referred to in sub-section (1), where the arrangement or contract is for a term of less than one month.

(3) The Scheme may make provision for the supply by a contractor to a principal of any information necessary to enable the purposes of this section to be carried out including provision for punishment by fine not exceeding one thousand rupees for the contravention of any requirement of the Scheme.

**Power of Central Government to obtain information.**

13. (1) Any person authorised in this behalf by the Central Government may, for the purpose of ascertaining whether the requirements of this Act and of the Scheme have been complied with, require any employer to submit to him such accounts, books or other documents or to furnish to him such information or to give such certificates as he may reasonably think necessary.

(2) Whoever wilfully obstructs any person in the exercise of his powers under this section or fails without reasonable excuse to comply with any request made thereunder shall, in respect of each occasion on which any such distribution or failure takes place, be punishable with fine which may extend to one thousand rupees.

(3) Whoever in purporting to comply with his obligations under this section knowingly or recklessly makes a statement false in a material particular shall be punishable with fine which may extend to one thousand rupees.

**Recovery of premium unpaid.**

14. (1) Without prejudice to the provisions of sub-section (2) of section 9, where any person has failed to

insure as or to the full amount required by this Act and the Scheme and has thereby evaded the payment by way of premium of any money which he would have had to pay in accordance with the provisions of the Scheme but for such failure, an officer authorised in this behalf by the Central Government may determine the amount payment of which has been so evaded, and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (2).

(2) Any sum payable in accordance with the provisions of the Scheme by way of premium on a policy of insurance issued under the Scheme and any amount determined as payable under sub-section (1) shall be recoverable as an arrear of land revenue.

(3) Any person against whom a determination is made under sub-section (1) may, within the prescribed period, appeal against such determination to the Central Government whose decision shall be final.

**Payment of compensation where employer has failed to insure.**

15. Where an employer has failed to take out a policy of insurance as required by sub-section (1) of section 9, or having taken out a policy of insurance as required by that sub-section has failed to make the payments by way of premium thereon which are subsequently due from him in accordance with the provisions of the Scheme, payment of any compensation for the payment of which he is liable under this Act may be made out of the Fund, and the sum so paid together with a penalty of such amount not exceeding the sum so paid as may be determined by an officer authorised in this behalf by the Central Government shall be recoverable from the employer as an arrear of land revenue for payment into the Fund.

**Limitation of prosecutions.**

16. No prosecution for any offence punishable under this Act shall be instituted against any person except by or with the consent of the Central Government or an authority authorised in this behalf by the Central Government.

- (d) where his group works on shifts, the relay to which he is allotted,
- (e) the number of his certificate of fitness granted under Section 52, and
- (f) such other particulars as may be prescribed.

(2) The [Provincial Government]<sup>1</sup> may make rules prescribing the form of the Register of Child Workers, the manner in which it shall be maintained, and the period for which it shall be preserved.

**Hours of work to correspond with Notice and Register.**

57. No child shall be allowed to work otherwise than in accordance with the Notice of Periods for Work for Children displayed under sub-section (1) of Section 55 and the entries made beforehand against his name in the Register of Child Workers maintained under sub-section (1) of Section 56.

**Power to require medical examination.**

58. Where an Inspector is of opinion—

- (a) that any person working in a factory without a certificate of fitness is a child or an adolescent, or
- (b) that a child or adolescent working in a factory with a certificate is no longer fit to work in the capacity stated therein,

he may serve on the manager of the factory a notice requiring that such person, or that such child or adolescent, as the case may be, shall be examined by a certifying surgeon or by a practitioner authorised under sub-section (2) of Section 12, and such person, child or adolescent shall not, if the Inspector so directs, be allowed to work in any factory until he has been so examined and has been granted a certificate of fitness or a fresh certificate of fitness, as the case may be.

**Power to make rules.**

59. The [Provincial Government]<sup>1</sup> may make rules—  
(a) prescribing the forms of certificates of fitness to

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<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

**Composition of offences.**

17. Any offence punishable under sub-section (2) of section 9 may, either before or after the institution of the prosecution, be compounded by the Central Government or by an authority authorised in this behalf by the Central Government on payment for credit to the Fund of such sum as the Central Government or such authority, as the case may be, thinks fit.

**Bar of legal proceedings.**

18. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

(2) No suit shall be maintainable in any Civil Court against the Central Government or a person acting as its agent under section 8 for the refund of any money paid or purporting to have been paid by way of premium on a policy of insurance taken out or purporting to have been taken out under this Act.

**Power to exempt employers.**

19. The Central Government shall exempt any employer from the provisions of this Act on the employer's request, if satisfied that he has before the commencement of this Act entered into a contract with insurers substantially covering the liabilities imposed on him by this Act, for so long as that contract continues.

**Power to make rules.**

20. (1) The Central Government may, by notification in the Official Gazette, make rules to carry into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may prescribe—

- (a) the principles to be followed in ascertaining the total wages bill of an employer, including provision for the exclusion therefrom of certain categories of wages or of certain elements included in the definition of wages;
- (b) the form of the policies of insurance referred to in sub-section (2) of section 7;

- (c) the period referred to in clause (g) of sub-section (5) of section 7 ;
- (d) the associations referred to in the proviso to section 8 ;
- (e) the date and the period referred to in sub-section (1) of section 9 ;
- (f) the form of and the manner of preparing and publishing the account referred to in sub-section (4) of section 11 ;
- (g) the periods referred to in sub-section (3) of section 14.

#### **Application of the Scheme to Indian States.**

21. (1) If the Central Government is satisfied that by the law of an Indian State provision has been made substantially corresponding to the provision made by this Act imposing liabilities upon employers and requiring them to take out policies of insurance covering such liabilities, the Central Government may, by notification in the Official Gazette, declare that this section apply to that State.

(2) On the application of this section to any State the Scheme made under this Act shall extend to the undertaking by the Central Government in respect of employers in that State of the same liabilities in the same manner, to the same extent and subject to the same conditions as if such employers were in British India.

(3) On the application of this section to any State the provisions of section 10 shall be deemed to prohibit any person except a person authorised by the Central Government as its agent to issue policies in pursuance of the Scheme from carrying on after the date of the notification by which this section is applied the business of insuring employers in that State against liabilities insurance against which is provided under the Scheme.



THE SCHEDULE  
[See sections 2 and 5 (1).]

Item No.	Inquiry.	Percentage of disability.
1	Loss of two or more limbs. Lunacy. Jacksonian epilepsy. Very severe facial disfigurement.	100
2	Loss of right arm above or at the elbow.	90
3	Severe facial disfigurement. Total loss of speech. Loss of left arm above or at the elbow Loss of right arm below the elbow. Loss of leg at or above the knee.	70
4	Loss of left arm below the elbow. Loss of leg below the knee. Permanent total loss of hearing.	60
5	Loss of one eye. Loss of right thumb or four fingers of right hand.	50
6	Loss of all toes of both feet above knuckle. Loss of left thumb or four fingers of left hand or three fingers of right hand.	40
7	Loss of all toes of one foot above knuckle. Loss of all toes of both feet at or below knuckle.	30

8	Limited restriction of movement of joints through injury without penetration, limited function of limb through fracture. Loss of two fingers of either hand. Compound fracture of thumb or two or more fingers of either hand with impaired function.	20
9	Loss of one phalanx of thumb. Loss of index finger. Loss of great toe.	10

## War Injuries (Compensation Insurance) Scheme Act, 1943

(Govt. of India Department of Labour Notification No. L-W.I.S. 828 (1), dated the 16th December, 1943).

In pursuance of sub-section (1) of section 7 of the War Injuries (Compensation Insurance) Act, 1943 (XXIII of 1943), the Central Government is pleased to make the following Scheme, namely:—

**Short title and commencement.**

1. (1) This Scheme shall be called the War Injuries Compensation Insurance Scheme.  
(2) It shall be deemed to have come into force on the 16th day of November 1943.

(3) It extends to the whole of British India, including all excluded and partially excluded areas to which the Act has been or may hereafter be, applied by notification under sub-section (1) of section 92 of the Government of India Act, 1935.

**Interpretation.**

2. (1) The General Clauses Act, 1897, (X of 1897), applies to the interpretation of this Scheme as it applies to the interpretation of an Act or Regulation.

<sup>1</sup> Added vide Gazette of India Part I Se. of 8/7/44.

(2) In this Scheme unless there is anything repugnant in the subject or context,—

- (a) "Act" means the War Injuries (Compensation Insurance) Act, 1943.
- (b) "advance premium" means the advance payments against the total premium to be paid by an employer as required in clause 6;
- (c) "Claims Officer" means the officer appointed as Claims Officer for the purposes of the Scheme made under the War Injuries Ordinance, 1941;
- (d) "clause" means a clause of this Scheme;
- (e) "Commissioner" means a Commissioner for Workmen's Compensation appointed under section 20 of the Workmen's Compensation Act, 1923;
- (f) "compensation" means compensation payable under sections 3 and 4 of the Act;
- (g) "dependant" has the meaning assigned to it in the Workmen's Compensation Act, 1923;
- (h) "eligible member of a family" means (i) a widow lawfully married by a valid ceremony, (ii) father, (iii) mother, (iv) a legitimate son but not an adopted son, (v) a legitimate daughter but not an adopted daughter, and (vi) any other dependant to whom the Claims Officer thinks that compensation should be payable;
- (i) "Form" means a form appended to this Scheme;
- (j) "Government Agent" means any person or firm employed under section 8 to act as agent of the Central Government for any of the purposes of the Act;
- (k) "policy" means a policy of insurance issued under this Scheme;
- (l) "qualifying injury" means a war injury sustained by a gainfully occupied person in respect of which compensation is payable under section 3 of the Act;

- (m) "quarter" means a period of three months, commencing on the first day of April, July, October or January, respectively;
- (n) "section" means a section of the Act.

### **Employer's obligations.**

3. (1) Every employer shall take out in the manner indicated in this Scheme, a policy of insurance as laid down in section 9 and pay such advance premiums as may be notified under clause 8 and such final premium as may after the conclusion of hostilities be notified under clause 6.

(2) An employer who has fulfilled such of his obligation under sub-clause (1) as have fallen due shall be entitled to have any liability for the payment of compensation incurred by him under the Act discharged on his behalf by Government out of the Fund.

(3) Where an employer has failed to fulfil such of his obligations under sub-clause (1) as have fallen due payment of any compensation for the payment of which he is liable under the Act shall be made out of the Fund, but any amount so paid shall be capable of being recouped from the employer in accordance with the procedure provided in that behalf in the Act.

### **Application for insurance.**

4. (1) Every employer required to take out a policy of insurance under section 9 shall apply to a Government Agent or to such officer as may be authorised by a Government Agent in this behalf, for insurance.

(2) Every such application shall be made in duplicate in Form A. The amount of first advance premium shall be simultaneously remitted by bank draft, cheque, money order or postal order, or delivered in cash.

(3) Where the remittance is by cheque the amount, if any, charged by the Government Agent's bank as collection charges shall be deducted from the amount of the cheque, and the applicant given credit only for the balance.

(4) If no amount accompanies the application, or the amount accompanying falls short of the required amount, the application if otherwise in order may be kept in suspense pending the receipt of the due amount.

(5) If the application for insurance is not received in accordance with the prescribed form the remittance may be retained by the Government Agent and the application returned to the applicant for re-submission.

#### Issue of Policy.

5. The Government Agent shall issue a policy of insurance as soon as possible after the receipt of an application made under clause 4;

Provided that (1) if the advance premium is remitted by cheque the Government Agent may, in his discretion, postpone the issue of the policy until the cheque has been cashed and (2) if the application is unaccompanied by the full advance premium required under clause 8 the Government Agent may withhold the issue of a policy until the advance is paid in full.

#### Amount of premium.

6. (a) The total premium due on a policy of insurance shall be determined by the Central Government by a notification in the Official Gazette within nine months after the termination of the present hostilities.

(b) The premium will be expressed as a percentage of the wage bill of the employer.

(c) This premium, less such advance premiums as may have been recovered, will be payable by employers in such instalments as may be fixed by the Central Government. Each such instalment shall be payable to the Government Agent within 30 days of the date fixed for payment by a notification in the Official Gazette.

If the advance premium already recovered exceeds the total premium, then the excess shall be refunded by Government to the employer.

**Manner of Assessing final premium.**

7. For the purpose of calculating the total premium due by any employer on a policy of insurance the total wage bill of that employer for the four <sup>1</sup>quarters preceding the date of termination of the present hostilities shall be the wage bill on which percentages will be charged.

Provided that in respect of an employer who has gone out of business before that date the period shall be the four <sup>1</sup>quarters preceding the date on which he goes out of business.

**Advance of Premium.**

8. (1) The amount of the first advance premium against the total premium to be determined under clause 6 shall be at the rate of four annas per one hundred rupees of the wage bill.

(2) The amount of subsequent advance premiums, which shall be expressed as a percentage of the wage bill of each employer, shall be such as may be notified by the Central Government in the Official Gazette and shall be payable within thirty days of the date specified in such notification.

(3) Advance premiums shall not be required more frequently than once in a quarter.

(4) All advance premiums shall have reference to the wage bill of the quarter preceding the one in which the <sup>2</sup>advance premium is required to be paid:

Provided, however, that if no advance premium had been required to be paid for such preceding quarter, then in respect of employment in which there was less than forty days working in the preceding quarter the advance premium shall have reference to half the wage bill of the two quarters preceding the one in which the advance premium is required to be paid.

(5) When in the opinion of the Central Government the balance in the fund is sufficient to meet the probable liabilities of the fund as the time foreseen under the Act

<sup>1</sup> The word "Complete" deleted vide Bombay Government Gazette Part IV C. p. 321 29/11/44.

<sup>2</sup> Added vide Ibid.

and this Scheme, no further advance premium shall be required by the Central Government.

(6) All advance premiums shall be paid by the employer to the Government Agent or Officer to whom the application under clause 4 is required to be made.

(7) The final premium and the advance premiums shall be calculated to the nearest anna.

(8) The Government Agent or Officer shall give a receipt in Form B for each advance premium after the first paid by the employer.

**Excess Compensation or Damages.**

9. For the purposes of section 4 the excess amount of compensation or damages which any person has a right to receive from an employer, shall be computed as follows:—

(1) In case of death or of permanent total or partial disability resulting from injury.

(a) if the compensation or damages are payable in a lump sum there shall be deducted from such sum the lump sum amount payable under the Act and 70 times the monthly rate of relief under the Scheme made under the War Injuries Ordinance, 1941;

(b) if the compensation or damages are payable in periodic amounts, there shall be deducted from the periodic payment for one month 1/70th of the lump sum compensation payable under the Act, and the whole of the monthly rate of relief under the War Injuries Scheme, 1942.

(2) In case of temporary disability resulting from the injury, if the compensation or damages are payable in a lump sum amount, there shall be deducted from such amount 70 times the monthly rate of compensation under the Act and 70 times the monthly rate of relief under the War Injuries Scheme, 1942.

**Title to Compensation.**

10. Compensation in respect of a qualifying injury sustained by a workman shall be admissible only if the

injury was sustained at any time (a) on a day on which he was on duty as such workman, or (b) on a day on which he would have been on duty but for that day being a recognised holiday or day of rest or for his being casually absent from duty on account of illness, injury or other similar cause, or for any other reason which in the opinion of the Claims Officer was good and sufficient.

**Advance payment by employers.**

11. (1) The employer of a workman sustaining a qualifying injury may grant to the workman himself or in the event of his death to any person to whom compensation would be payable under the Act an advance on account of compensation not exceeding an aggregate of Rs. 100.

(2) Upon acceptance of an advance payment in accordance with sub-clause (1) the recipient thereof shall give to the employer a receipt in duplicate in Form C.

(3) An employer who wishes to claim a refund of the advance payment made by him to a workman under sub-clause (1) shall, within two weeks of making such advance, make an application in Form D therefor to the Claims Officer having jurisdiction in the area where the injury was sustained. Such an application shall be accompanied by a copy of the receipt given by the workman in Form C.

(4) So much of the aggregate amount paid under sub-clause (1) as does not exceed the compensation payable under an award made under this Scheme shall be repayable to the employer from the Fund.

(5) When making an award under this Scheme for an injury in respect of which the employer of the injured person has made an advance payment to the workman, the Claims Officer shall, on receipt of an application under sub-clause (3), make an order in Form E requiring the repayment of the advance payment to the employer, and shall reduce the award by the amount of such order.

**Application for Compensation.**

12. (1) An application for compensation under this Scheme shall be made to the Claims Officer of the area



- be granted under Section 52. providing for the grant of duplicates, in the event of loss of the original certificates, and fixing the fees which may be charged for such certificates and such duplicates ;
- (b) prescribing the physical standards to be attained by children and adolescents :
  - (c) regulating the procedure of certifying surgeons under this Chapter and specifying other duties which they may be required to perform in connection with the employment of children and adolescents in factories ; and
  - (d) providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

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### \*CHAPTER V-A.

#### SMALL FACTORIES

##### Small factories.

**59A.** (1) In this Act, unless there is anything repugnant in the subject or context, "small factory" means any premises including the precincts thereof whereon ten or more but less than twenty workers are working or were working on any day of the preceding six months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, but does not include a mine subject to the operation of the Indian Mines Act, 1923 (IV of 1923) :

Provided that the Provincial Government may, by notification in the *Official Gazette*, declare any premises to be a small factory, notwithstanding that less than ten workers are working thereon, if such premises would otherwise be a small factory.

(2) For the purposes of this Chapter an adolescent holding a certificate granted under this Act to work as an adult shall be deemed to be an adult.

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\* This Chapter was inserted by the Factories (Amendment) Act, 1940 (XXXVII of 1940)

where the injury was sustained within four months after the date of sustaining the qualifying injury by any of the following persons in the manner laid down in clause 13 of this Scheme :—

(i) the workman, or

(ii) an eligible member of the workman's family, in case of the workman's death.

(2) The Claims Officer may accept an application from the employer of the workman on behalf of the workman or his family, if such officer is satisfied that it is in the interest of the workman so to do or in the event of his death, of an eligible member of the workman's family.

(3) Where the Claims Officer is satisfied that a person by whom an application should be made is for sufficient reason incapable of making the same, the Claims Officer may entertain an application made on such person's behalf by any other person.

(4) An application made after the period of four months of the date of the qualifying injury shall not be considered. But the Claims Officer may in his discretion, if he is satisfied that the delay has been due to valid reasons admit the application.

**Application for compensation by workman, employer or any person authorised in this behalf.**

13. (1) An application for compensation by the workman sustaining the qualifying injury shall be made in Form F to the Claims Officer through the person in charge of the hospital or dispensary where he last received or is receiving treatment, or if he has not been treated in any hospital or dispensary, through the Medical Officer of Government or the registered medical practitioner, if any, who last treated him for the injury, and shall be countersigned by such person, officer or practitioner.

(2) An application for compensation made by an eligible member of the workman's family for the workman sustaining the qualifying injury shall be in Form G.

(3) An application in respect of compensation made under sub-clause (3) of clause 12 or by an employer under sub-clause (2) of clause 12 shall be in Form H.

**Certification by Employer.**

14. (1) On receipt of an application for compensation in Form F, G. or H the Claims Officer shall call on the employer to submit a return in Form I within such time as may be prescribed by the Claims Officer.

(2) An advance payment made under clause 11 shall not be refundable if not recorded in Form I.

An advance payment made after submission of Form I by the employer shall not be refundable.

**Award for payment of compensation.**

15. When an application for compensation under this Scheme is received the Claims Officer shall, after considering the reports and certificates pertaining to the case and after obtaining such other evidence, if any, as he considers necessary, make in addition to the award under the Scheme made under the War Injuries Ordinance, 1941, another award, or awards when there are several eligible members, under the provisions of this Scheme for the amount prescribed in the Act, in Form J. Before making any such further award he may give the employer an opportunity of being heard.

The Central Government may make a similar award in respect of cases in which relief has been granted under clause 45 of the Scheme made under the War Injuries Ordinance, 1941.

A signed and sealed copy of the award shall be given to the person in whose favour the award is made or to his authorised agent; a true copy shall be sent to the employer of the workman concerned together with attested specimens of thumb and finger impressions of the payee and his signature, if literate; a true copy shall be sent to the Post-office or the Government Treasury where the payment is to be made, together with attested specimens of the thumb and finger impressions of the payee and his signature, if literate; and another true copy shall be sent to the audit officer specified for this purpose by the Director General Posts and Telegraphs, when the payment is to be made at a Post-office or by the Central Government

when the payment is to be made at a Government Treasury.

(2) If an application for compensation is rejected, the reasons for such rejection shall be recorded separately and intimated to the applicant and to the reviewing authority if any, set up under the Scheme made under the War Injuries Ordinance, 1941.

**Distribution of compensation.**

16. The amount of compensation in respect of death shall be paid and distributed by the Claims Officer in like manner as compensation in respect of a workman whose injury has resulted in death, is paid and distributed by a Commissioner under section 8 of the Workmen's Compensation Act, 1923, except that the payment shall be made through an award in Form J, under clause 15.

**Payment by instalments.**

17. (1) When compensation admissible under the Act to any person is less than or equal to three hundred rupees it shall be paid as a lump sum.

(2) When the compensation admissible under the Act to a person exceeds three hundred rupees, a part of the admissible amount up to the extent of Rs. 300 shall be paid as a lump sum and the balance shall be paid in monthly or quarterly instalments at such rate as may be prescribed by the authority making the award under clause 15 or the authority issuing directions under clause 19:

Provided that the number of instalments shall not exceed 60 in the case of monthly instalments and 20 in the case of quarterly instalments.

**Place of Payment.**

18. (1) Compensation under this Scheme shall be payable at all head and sub-post-offices and such branch post-offices in India as may be authorised in this behalf by the head of the circle or at a Government Treasury, as the authority making the award shall direct.

(2) All such amounts shall be drawn within one month of the date when they are due. The Post-master

or the Treasury Officer concerned may, however, at his discretion make payment of full arrears within three months of the due date.

(3) All such payments shall from time to time be endorsed on the award by the Post-master, or the Treasury Officer concerned.

**Power to review and alter award.**

19. The authority having power to withhold, cancel review or alter an award under the Scheme made under the War Injuries Ordinance, 1941, shall issue such directions as may appear to it necessary in the circumstances of the case for the withholding, cancellation, review or alteration of the award under this Scheme in respect of the same workman:

Provided that no such direction shall be made to recover any amounts already paid under this Scheme.

**Exemption of Employers.**

20. An employer desiring to be exempted from the provisions of the Act under section 19 shall make an application to the Central Government in Form K.

**Submission of details by contractors.**

21. The liabilities under this Scheme of the contractor and the principal as defined in section 12, shall be as follows :—

**The Contractor.**

The contractor shall be under an obligation in like manner as if he were any other employer for insuring the workmen working under him.

**The Principal.**

The principal shall be responsible for obtaining from the contractor the name of the Agent of the Central Government with whom he intends to insure, and shall report to that Agent the existence of his arrangement or contract with the contractor.

**Penalties.**

22. (1) Any person, who being responsible for the observance of any of the provisions of this Scheme, com-

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mits a breach thereof, shall be punishable for every such breach with fine which may extend to one thousand rupees and in the case of continuing breach after being convicted for such breach, with a further fine which may extend to one hundred rupees for every day subsequent to the conviction on which the breach has continued.

(2) Any person who under the provisions of this Scheme, knowing or recklessly submits a false application, return or form, shall be punishable with fine which may extend to one thousand rupees.

FORM A

IMPORTANT:—Before completing this application form read the instructions overleaf.  
Government of India.

WAR INJURIES (COMPENSATION INSURANCE)  
ACT, 1943.

Application and Wages Declaration Form.

1. Employer's Name .....
2. Business Address .....
3. Full description of Employer's trade or business. { .....
4. Industry group or groups to which the trade or business belongs (for list see part, 3 { .....
5. Situation of Factory, Mine or Establishment. { .....

**Schedule of Employees**

All persons employed and all wages and allowances paid during the relevant preceding quarter(s) must be declared.

(For definition of "Quarter" and other instructions, see para, 12 overleaf).

A. DIRECT employees earning Rs. 300 or less per month.

Maximum daily number of employees.	Actual wages and allowances paid during relevant quarter.		
	Wages.	Other cash allowances (but not including cash dearness allowance).	Total wages and allowances (sum of 2 and 3).
1	2	3	4
	Rs.	Rs.	Rs.

B. DIRECT employees earning more than Rs. 300 month.

(State the total number of persons earning more than Rs. 300 per mensem and calculate the premium on that number, multiplied by 900 for the quarter, i.e. Rs. 300 per mensem).

Maximum daily number of employees	Assumed wages for the relevant quarter.
.....	Rs.....
Total wages under A and B	Rs.....
Advance against premium calculated to the nearest anna at..... percent Rs.....	

5. Have you employed any contractor or contractors in the relevant preceding quarter(s)? If so give:—

Name of Contractor(s).	Period of contract.	Approximate number of persons employed
.....	.....	.....
.....	.....	.....
.....	.....	.....

...(For definition of "Contractor" see para. 11 overleaf.)

(Here insert name of Insurance Company through whom insurance is to be or has been effected.)

*(To be completed when application for insurance is first made).*

I/We warrant that the above statements and particulars are true and I/we request you to effect insurance on my/our behalf with the Government of India in terms of the prescribed standard Indemnity which I/we agree to accept.

I/We further agree that this application shall be the basis of the contract between the Governor-General in Council and myself/ourselves.

I/We send bank draft|cheque|money order|post order| cash value Rs. ....

Signature of the Employer.....

Date .....

*(To be completed when submitting a declaration of wages subsequent to original application).*

I/We warrant that the above statements and particulars are true and I/we send bank draft|cheque|money order|postal order|cash value Rs. .... in payment of the advance against premium due on.....The number of my/our policy for the first advance against premium is.....

Signature of Employer.....

Date .....

(Note.—Cheques on out-station banks must include bank exchange.)

## INSTRUCTIONS.

### Liability.

1. The above Act imposes on employers of persons engaged in essential services, in factories, mines, major ports, plantations and other employments to be specified, an obligation to pay compensation in respect of war injury to their employees calculated approximately to amount to the difference between the amount paid by Government under the War Injuries Scheme and the amount which would have been payable under the Workmen's Compen-



sation Act, 1923, if the war injury had given a right to compensation thereunder. The Act extends to the whole of British India and applies also to British subjects in any part of India.

**Compulsory Insurance.**

2. As from the 16th November 1943, all employers to whom the Act applies must insure their liability with the Central Government and the Act prescribes heavy penalties for failure to insure or failure to pay any advance against premium due or failure to pay compensation due under the Act.

**Employers to whom the Act applies.**

3. The Act applies to all employers throughout British India of persons employed in :—

- (a) any employment or class of employment to which the Essential Services (Maintenance) Ordinance, 1941, has been declared under section 3 of that Ordinance to apply, whether such declaration is or is not subsequently revoked ;
- (b) any factory as defined in clause (j) of section 2 of the Factories Act, 1934 ;
- (c) any mine within the meaning of the Indian Mines Act, 1923 ;
- (d) any major port as defined in the Indian Ports Act, 1908.
- (e) any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been employed as workmen ;
- (f) any employment specified in this behalf by the Central Government by notification in the Official Gazette.

Please indicate category or categories of employments in item 4 of the Form.

**Employers not required to insure.**

4. The following classes of employers are not required to insure under the Act :—

- (a) The Crown [section 9 (3)].
- (b) Federal Railway, unless otherwise ordered by the Central Government; [section 9 (3)].
- (c) Short-term contractors, i.e., where the loaning or letting on hire of the services of the workman, or the execution of work, is for a term of less than one month.  
[section 12 (2)].

(d) Employers exempted under section 19 of the Act.  
**Employees included.**

5. All direct employees, including Managers, Supervisors, Assistants etc., and all Contractors' employees (see definition of "Contractor") are included in the Scheme. It should be noted that all employees in the employments referred to are covered and the application of the Act is not restricted to a specific class e.g., "Workers" defined in the Factories Act.

**How to insure.**

6. The application Form overleaf should be completed and forwarded in duplicate to a Government Agent.

All applications, must be accompanied by a remittance to cover the prescribed advance payment against premium calculated to the nearest anna. Remittances by cheque on out-station banks must include bank exchange.

**Date by which policy to be taken.**

7. An application for taking out a policy of insurance shall be made :—

- (a) if the employer had been an employer for one complete quarter before the 1st January 1944, then on or after 10th January 1944 and not later than 9th February 1944 ;
- (b) in all other cases, within one month of the employer's having been an employer for one quarter.

**Government Agents.**

8. The Government of India have appointed certain Insurance Companies to act as Government Agents and to issue policies under the Scheme. If the employer is already insured in respect of his liability under the Indian Workmen's Compensation Act, it is recommended that the

insurance under the War Injuries (Compensation Insurance) Act, 1943, should be arranged through the same Insurance Company.

**Rate of premium.**

9. The total premium payable will be decided by Government after the termination of hostilities when the total liability has been ascertained. In the meantime, employers will be required to pay to Government periodic advance payments against this premium and the amount of any such advance payment will be such percentage of the total wages bill as may be prescribed by Government from time to time.

The rate of first advance premium has been fixed at annas four per Rs. 100 of the wage bill.

**Definition of 'Wages.'**

10. For the purposes of computing the amount of compensation payable, 'wages' means wages as defined in the Workmen's Compensation Act, 1923 i.e., "Wages" includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or the contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment.

For the purpose, however, of computing the 'wages bill' on which is based the amount of premium, the total is taken only of "the gross cash wages of all workmen excluding all that part of gross cash wages of individual employees which exceeds Rs. 300 per month, and all allowances given against increased cost of living."

It is the wage bill so computed that should be entered in the application form.

**Definition of 'Contractor.'**

11. Please see section 12 of the Act. Unlike the provision of the Workmen's Compensation Act, 1923, the 'contractor,' is liable in respect of workmen whose services are temporarily lent or let on hire to another.

**Certain provisions of this Act to apply to small factories wherein child labour is employed.**

**59B.** (1) All the provisions of this Act, except clause (j) of Section 2, Sections 4, 5, 6 and 7, sub-sections (1) and (4) of Section 14, Sections 15, 21, 22 and 25, sub-sections (1), (2) and (3) of Section 33 and Chapter IV shall apply to, and in relation to, all small factories wherein any worker who is not, or is not deemed to be, an adult is employed; and in the provisions hereby made so applicable every reference to a factory shall be deemed to include so far as may be, a reference to a small factory.

(2) The aforesaid provisions shall cease to apply to a small factory on the expiry of six months from the receipt by the Inspector of a notice in writing from the occupier that he has ceased to employ therein any worker who is not, or is not deemed to be, an adult unless any such worker is employed therein on any day of the said six months :

Provided that if any such worker is thereafter employed in the small factory the said provisions of this Act shall again apply thereto.

**Certain other provisions of law not barred.**

**59C.** The provisions of this Chapter shall be in addition to, and not in derogation of the provisions of the Employment of Children Act, 1938 (XXVI of 1938).

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## CHAPTER VI

### PENALTIES AND PROCEDURE

**Penalty for contraventions of Act and rules.**

**60.** If in any factory—

(a) there is any contravention—

(i) of any of the provisions of Sections 13 to 29 inclusive, or

(ii) of any order made under any of the said Sections, or

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The liabilities of the Principal and Contractor under the Scheme are as follows:—

**The Contractor.**

- (a) The contractor shall be under an obligation in like manner as if he were any other employer for insuring the workman working under him.
- (b) The contractor shall be responsible for informing the principal of the name of the Government Agent with whom he intends to insure.

**The Principal.**

The principal shall be responsible for bringing to the notice of the Government Agent with whom he has insured the existence of any contractors working under him. The principal will not be responsible for the accuracy of figures included in the application made by the contractor.

**Definition of "Quarter."**

12. A "Quarter" means a period of three months commencing on the first day of April, July, October and January.

For 'relevant quarter' for which the wages are calculated and advance of premium paid please see clause 8 of the Scheme.

**FORM B**

Received on the ..... day of ..... 194 , from  
..... the sum of Rupees..... for advance against  
premium under Policy No..... dated .....  
on the following wages declared to have been paid during  
the quarter ended .....  
Total Wages and Allowances  
paid during the above period.

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A. Employees earning less than Rs. 300 Rs. ....  
per month.

B. Employees earning more than Rs. 300 Rs. ....  
per month.

Total Rs. ....

Rs. ....

Dated the.....194 .

Government Agent.

FORM C

Received from .....of  
.....an advance payment of Rs. ....  
(Rupees ) under clause 11 of the War Injuries  
Compensation Insurance Scheme, with reference to the  
injury sustained on at by of

ticket No. ....  
department.....  
Employee of .....

In consideration of the advance, I hereby enter into  
the undertaking that the amount of this advance may be  
deducted under the provisions of the War Injuries Com-  
pensation Insurance Scheme from out of any award made  
(either to me or to my relatives)\* in respect of the afore-  
said injury sustained by me deceased.

Date.....  
Witness.....  
of.....

Signature or thumb impression  
of.....  
Address.....

\*Only when receipt is given by the injured person.

FORM D

Application for refund of advance payments.

To the Claims Officer for (area)

I  
We, the firm of Messrs. do hereby declare that I  
we  
have paid to whose age description and  
other details are given below a sum of Rs.  
an aggregate sum of Rs. as an ad-  
vance payment for the injury sustained by of

ticket No.....

department.....

a workman in employment under me  
Our firm The advance  
payment was made on and a duplicate copy  
of the receipt it attached here to.

I,  
We, the firm of Messrs. claim a refund of the amount  
stated above and request to you to pass an order for the  
repayment of the said amount to me at Post-office  
us Govt. Treasury.

Date of application.

Signature of employer.

*Particulars of the person to whom advance paid.*

Name.

Relation with deceased,

in case of workman's death.

Father's name.

Age.

Residence.

Caste.

Profession.

## FORM E

## Order for refund to employer

Claims Officer for \_\_\_\_\_ (area).  
 Name of Claims Officer \_\_\_\_\_

Name of employer.

Full address.

Date of application for refund.

Amount to be refunded.

Being satisfied that the sum of Rs. \_\_\_\_\_ the amount  
 of the advance payment made to \_\_\_\_\_ in accordance with  
 sub-clause (1) of clause 11 of the War Injuries Compensation  
 Insurance Scheme by \_\_\_\_\_ (name of employer)  
 the employer of \_\_\_\_\_ is due to the said employer, I  
 direct that the said sum shall be paid to him from the War  
 Injuries Compensation Insurance Fund at

Post-office  
Govt. Treasury on production, of this order.

Delivered to payee

Date and Signature of  
 Claims Officer.

Forwarded to the payee through the

Deputy Collector/Assistant Commissioner

Collector/Deputy Commissioner

of \_\_\_\_\_ District.

Copy forwarded to the Post-master  
Treasury Officer

Post-office

## FORM F

## Application for compensation by workmen.

Claimant's full name (in capitals).

Name of father in the case of married woman,  
 of husband).

Age.

Date of birth.

Caste

Profession.

Residence.

Nationality.



Monthly rate of wages at the time the injury was sustained.

What amount of compensation is claimed and justification for the claim.

Name of employer and his full address.

Ticket number, if any, and department in which employed

The amount of advance received from employer.

Place where injury was sustained.

Cause of injury in detail. Date of injury.

Details of injury.

If taken to dispensary or hospital, which and when.

If discharged from dispensary or hospital, when

If attended to at residence by a medical practitioner, details of place where treated and name of medical practitioner.

If any temporary allowance and/or pension is being or has been drawn by the injured person, details thereof.

The compensation may be made payable at

Post-office

Government Treasury.

I certify that I am not in receipt of any compensation under the War Injuries Compensation Insurance Scheme, other than that claimed above in respect of the war injury sustained by me.

I certify that the information furnished above is true to the best of my knowledge and belief.

Date

(Signature of claimant or thumb impression if illiterate).

### FORM G

#### Application for Compensation by Eligible Member.

Applicant's full name (in capitals).

Name of father (in the case of married woman, of husband).

Age.

Date of birth.

Caste.

Profession.

Residence

Nationality.

Relationship with deceased.

Full name of the deceased (in capitals).

Place of death.

Cause of death.

Name of the employer of the deceased.

Ticket number, if any and department in which employed.

Place of employment.

Monthly rate of wages of the workman at the time the injury was sustained or death occurred.

Was deceased attended to by A.R.P. volunteer, civic guard, police or other organisation—if so, details.

If deceased received any medical treatment, details thereof including place where received.

If deceased died in any hospital or dispensary, state details.

If not, give any other proof of death, e.g., affidavits, or any certificates by a Gazetted Officer, Magistrate or Sub-Inspector of Police.

If deceased has any of the following relatives living at the time of his death, give details\* in respect of each:—widow or widows, father, mother, legitimate natural son(s), legitimate natural daughter(s). State also if any has since died, or whether any female relative has since married or remarried.

Date of birth

Age { In the case  
of all eligible relatives.  
If staying elsewhere than

Residence

with applicant, state details.

In the case of daughter—whether married.

In the case of children—Guardian.

if any other than applicant.

If any of the said relatives or the applicant

(i) draws any other pension and/or allowance from public funds, state details as to source and amount.

(ii) holds any appointment under Government or local authority, state details and rate of emoluments.

\*If necessary, this may be done on a sheet to be attached and signed.

Amount and particulars-of the claim made :—

The compensation may be made payable at

Post-office.

Government Treasury.

I certify that I am not in receipt of any compensation under the War Injuries Compensation Insurance Scheme other than that claimed above in respect of the War Injury sustained by the deceased.

I certify that the information furnished in the statement is true to the best of my knowledge and belief.

Date..... (Signature of claimant or thumb impression, if illiterate).

FORM H.

**Application by employers and other persons authorised  
in this behalf for Compensation**

Name of applicant (if other than the employer) and full address.

Name of employer and full address.

Name of person(s) on whose behalf application is made.

Name of workman sustaining qualifying injury.

Name of workman's father (in the case of married woman, of husband).

Ticket number, if any, and department in which employed.

Age of workman at the time of receiving injury.

Residence

Caste

Place of qualifying injury.

Date and time of qualifying injury.

Whether the qualifying injury resulted in death or not.

If workman received or is receiving any medical treatment, details thereof including place where received.

\*If workman died in hospital or dispensary, give details. If not, give any other proof of death, e.g., affidavits,

\*To be filled up only in case of death of the workman.

or any certificates by a Gazetted Officer, Magistrate or Sub-Inspector of Police.

Amount of compensation claimed.

Amount of advance, if any, already paid to workman or his dependants.

Monthly rate of wages of the workman at the time the injury was sustained or death occurred.

†Period during which the workman was employed.

Nature of employment.

†Number and date of policy taken by employer under clause 5 of the War Injuries Compensation Insurance Scheme.

I certify that to the best of my knowledge and belief no other application for compensation in respect of this injury has been made by any person and that I am acting on behalf of the workman with his express consent. dependant (s) of the workman their

The Compensation may be made payable at .....

Post-office

Government Treasury

I also certify that the information furnished in the statement is true to the best of my knowledge and belief.

Date.....

(Signature of Employer or the person making the application).

†To be filled up by the employer when the application is made by him.

### FORM I

I

We, the firm of Messrs.

do hereby certify

(i) that whose age and description are given below

(a) was a workman in employment under me ticket number (if any) ..... and employed in ..... department our firm,

(b) was last at work under me and the firm

(c) that his wages as entered in the last wage roll were at the rate of Rs. \_\_\_\_\_ per mensem;

(ii) that I we have taken out a Policy of Insurance under the War Injuries Compensation Insurance Scheme with..... Company at ..... and the number and date of the Policy are.....;

(iii) that no advance payment an advance payment of Rs. \_\_\_\_\_ has/have been advance payments aggregating to Rs. \_\_\_\_\_

paid by me us to the said workman dependant(s) of the said workman.

Age of workman.

Description of workman.

Nature of injury.

Date \_\_\_\_\_

(Signature of employer).

FORM J.

**Award under the War Injuries Compensation Insurance Scheme**

Claims Office for

(area)

Name of Claims Officer

Name of person sustaining qualifying injury killed

Name of father of such person (in case of married woman, of husband).

Date and place of injury/death.

Age

Residence

Caste

Profession

Nationality

Compensation in favour of (block capitals).

Name of father of such person if other than the person sustaining qualifying injury (in the case of married woman, of husband).

Description of such person.

Age

Residence

Caste.

Profession

Amount of compensation.

A lump sum of Rs.                      and in addition a payment of Rs.  
per

Guardian, if any

Period for which the                      payment is sanc-  
tioned, with the date of commencement.

Payable at

on the                      of each..... Post-office  
Govt. Treasury,

the amount

Being satisfied that the sum of Rs..... unrepaid balance  
of an advance payment made in accordance with sub-  
clause (1) of clause 11 of the War Injuries Compensation  
Insurance Scheme, by                      (name and  
address) the employer of  
in respect of whose injury this award is made, is due to  
the said employer, I direct that the said sum be deducted  
from the lump sum payable under this award in the fol-  
lowing manner:

Deduction from lump sum payment of Rs. ....

and in addition deduction of Rs. .... per month for....  
quarters  
months  
quarters.

Period.	Amount of award	Signature or thumb im- pression of payee	Signature of Post-master or other authorised officers.	Date stamp of office	Amount of advance of Rs. to be recovered in lump..... instalments of Rs. each from each payment for remittance to the employer. (6)
(1)	(2)	(3)	(4)	(5)	(6)

Date and signature of Claims Officer.

Forwarded to the payee through the

Deputy Collector/Assistant Commissioner

Collector/Deputy Commissioner

of                      District.

- (iii) of any of the said Sections read with rules made in pursuance thereof under clause (a) of Section 32, or
  - (iv) of any rule made under any of the said Sections or under clause (b), clause (c), or clause (g) of Section 32 or Section 33, or
  - (v) of any condition imposed under sub-section (3) of Section 31, or
  - (b) any person is allowed to work in contravention—
    - (i) of any of the provisions of Sections 34 to 38 inclusive, 42, 45 and 48, or
    - (ii) of any rule made under any of the said Sections, or under Section 49, or
    - (iii) of any condition attached to any exemption granted under Section 43 or Section 44 or Section 45 or to any permission granted under Section 38 or Section 49, or
  - (c) there is any contravention of any of the provisions of Sections 39 to 41 inclusive or of any rule made under Section 39, Section 41 or Section 47, or of any condition attached to any exemption granted under Section 41 or to any modification or relaxation made under Section 44, or
  - (d) any person is not paid any extra pay to which he is entitled under the provisions of Section 47, or
  - (e) any adolescent or child is allowed to work in contravention of any of the provisions of Sections 50, 51, 54, 55, 57 and 58, or
  - (f) there is any contravention of Section 55 or Section 56 or of any rules made under either of these Sections, or under clause (d) of Section 59,
- the manager and occupier of the factory shall each be punishable with fine which may extend to five hundred rupees.:

Provided that if both the manager and the occupier are convicted, the aggregate of the fines inflicted in respect of the same contravention shall not exceed this amount.

FORM K.

**Application for Exemption.**

Name of employer.

Full address.

Particulars of concern or concerns in respect of which exemption is sought.

Name of concern.

\*Number of workmen employed.

Average monthly wage bill.

Period for which exemption is sought.

Reasons for asking for exemption.

Amount of compensation which the employer has undertaken to give to the employees.

The name of the firm with which the liability has been insured.

Number and date of Policy.

Period covered by the Insurance.

I declare that the information given above is true.

Date\_\_\_\_\_

(Signature of employer).

\*Only workmen to whom the Act would be applicable should be included.

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**War Injuries (Compensation Insurance) Act,  
1943**

(Govt. of India, Department of Labour Notification No. L.-W.I.S. 828(2), dated the 16th December, 1943).

In exercise of the powers conferred by sub-section (1) of section 20 of the War Injuries (Compensation Insurance) Act, 1943 (~~XXIII~~ of 1943), the Central Government is pleased to make the following rules, namely :—

**Short title and extent.**

"1. Short title and extent:—(a) These rules may be called the War Injuries Compensation Insurance Rules, 1943.



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- (b) They extend to the whole of British India, including all excluded and partially excluded areas to which the War Injuries Compensation Insurance Scheme applies.

## Interpretation.

### 2. In these Rules,—

- (a) "Act" means the War Injuries (Compensation Insurance) Act, 1943;  
 (b) "Scheme" means the War Injuries Compensation Insurance Scheme;  
 (c) "Form" means a form appended to these Rules;  
 (d) "quarter" means a period of three months, commencing on the first day of April, July, October or January respectively.

## Ascertainment of Wage Bill.

3. The wage bill of an employer shall be computed by aggregating the gross cash wages of all workmen employed by him but shall exclude all that part of gross cash wages of individual employees which exceeds Rs. 300 per month, and all allowances given against increased cost of living.

## Form of Policy.

4. Every policy shall be in Form X.  
 5. The period for the purposes of clause (g) of sub-section (5) of section 7 of the Act shall be a quarter or if the employer is in the business concerned, only for a portion of any quarter then that portion.

## Date by which policy to be taken.

6. An application for taking out a policy of insurance shall be made—  
 (a) if the employer had been an employer for one quarter before the 1st January 1944, then on or after 10th January 1944 and not later than 23rd March 1944;

- (b) in all other cases before the 1st August 1944 or within one month from the end of the quarter during which the employer, became an employer, whichever is later.

## Form and manner of accounts.

7. An account of all sums received into and paid out of the Fund shall be prepared in Form Y and shall be published every six months in the Official Gazette.  
 Period of appeal.

8. An appeal under sub-section (3) of section 14 of the Act shall be made within ninety days of the determination made under sub-section (1) of that section.

<sup>1</sup> The word 'complete' omitted vide Government of Bombay Gazette Part IV-c p. 521 of 29-6-44.  
<sup>2</sup> Substituted vide Ibid.

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Recovery.

9. The Claims Officer may, on default by an employer, recover as an arrear of land revenue and amount payable by the employer under this Act, and the Claims Officer shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery. Act, 1890.

FORM X

Policy No.

Government of India.

## WAR INJURIES (COMPENSATION INSURANCE) ACT, 1943.

Policy of Insurance against liabilities thereunder.

This Policy and the Specification hereto (which forms an integral part of this Policy) shall be read together as one contract and the words and expressions to which specific meanings have been attached in the Specification shall bear those meanings wherever they may appear.

### The Specification.

The Governor General

The Governor General of  
India in Council.

The Government Agent.

The Insured.

Name.

Business Address

Trade or business

Situation of Factory

Mine or Establishment

Schedule of Wages declared to have been paid during the  
undernoted period.

Period.

Total Wages  
and Allowances.

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Quarter  
ended.

A. Direct employees earning less  
than Rs. 300 per month.....

B. Direct employees earning more  
than Rs. 300 per month.....

Rs. \_\_\_\_\_

Advance against premium Rs.  
of 194 . \_\_\_\_\_

received on the day

WHEREAS the Insured has made and forwarded to the Government Agent a signed application for insurance which application the Insured has agreed shall be the basis of this Policy and has paid the advance of premium named above.

Now this Policy witnesseth that in consideration of the Insured paying to the Governor General the said advance of premium the Governor General agrees [subject to the provisions contained in the War Injuries (Compensation Insurance) Act, 1943 and the Scheme and Rules made thereunder which provisions shall so far as the nature of them respectively will permit be deemed to be conditions precedent to the right of the Insured to recover hereunder] that if during the present hostilities any employee to whom the said Act applies shall sustain any War Injury for which the Insured is liable to pay compensation under the said Act then the Governor General will indemnify the Insured against all sums for which the Insured shall be so liable.

In witness whereof I being duly authorised in that behalf have hereto set my hand on behalf of the Governor General.

(Date of issue).

FORM Y.

Account of sums received into and paid out of the War Injuries Compensation Insurance Fund during the six months ending 194 .

	Receipts			Expenditure	
	Amount	Progress of receipts up to the end of		Amount	Progress of expenditure up to the end of
	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.
1. Advances of premium.			1. Compensation under the War Injuries Compensation Insurance Scheme.		
2. Advances from General Revenues under section 11(2)			2. Remuneration and expenses of Government Agents.		
3. Miscellaneous.			3. Expenses of the staff employed to do the work in the Provinces and at the headquarters of the Central Government.		
			4. Expenses of the additional staff employed to cope with the audit and accounting arrangements.		
			5. Repayments of advances made under clause 11 of the War Injuries Compensation Insurance Scheme.		
			6. Miscellaneous.		

LIST OF GOVERNMENT AGENTS APPOINTED UNDER THE ACT.

(Department of Labour Notification No. L-W.I.S. 828(3), dated the 16th December 1943).

It is hereby notified for general information that in pursuance of section 8 of the War Injuries (Compensation Insurance) Act, 1943 (XXIII of 1943), the Central Government has been pleased to employ as its agents for the purposes of the said Act the firms specified in the Schedule hereto annexed.

## THE SCHEDULE.

1. Advance Assurance Co., Ltd.
2. Alliance Assurance Co., Ltd.,
3. American Insurance Company of Newark, N.J.
4. Anand Insurance Co., Ltd.,
5. Asian Assurance Co., Ltd.,
6. Atlas Assurance Co., Ltd.,
7. Baloise Fire Insurance Company, Ltd.,
8. Bankers' and Traders' Insurance Company, Ltd.,  
of Sydney.
9. Bharat Fire and General Insurance, Limited.
10. Bombay Fire and General Insurance Co., Ltd.
11. British America Assurance Company.
12. British and Foreign Marine Insurance Company,  
Ltd.
13. British Crown Assurance Corporation, Ltd.
14. British Equitable Assurance Company, Ltd.
15. British Fire Insurance Company, Limited.
16. British General Insurance Company, Limited.
17. British India General Insurance Company, Ltd.
18. British Traders' Insurance Company, Ltd.
19. Caledonian Insurance Company.
20. Canton Insurance Office, Limited.
21. Central Insurance Company, Limited.
22. Century Insurance Company, Limited.
23. China Fire Insurance Company, Limited.
24. Clive Insurance Company, Limited.
25. Commercial Union Assurance Company, Limited.
26. Concord of India Insurance Company, Limited..
- 26-A. Co-operative Assurance Company, Limited.
27. Co-operative Fire and General Insurance Society,  
Ltd.
28. Deepak General Insurance Co., Ltd.,
29. Devkaran Nanjee Insurance Co., Ltd.,
30. Eagle Star Insurance Co., Ltd.
31. Eastern Federal Union Insurance Co., Ltd.,
32. Eastern United Assurance Corporation, Ltd.,
33. Employers' Liability Assurance Corporation, Ltd.
34. Essex and Suffolk Equitable Insurance Society Ltd.

35. Fine Art and General Insurance Co., Ltd.,
36. Free India General Insurance Co., Ltd.,
37. Fire and General Insurance Co. of India, Ltd.,
38. General Accident, Fire and Life Assurance Corporation, Ltd.
- 38A. General Assurance Society, Ltd.
39. Great American Insurance Company.
40. Gresham Fire and Accident Insurance Society, Ltd.,
41. Guardian Assurance Company, Limited,
42. Habib Insurance Company, Limited.
43. Hartford Fire Insurance Company, Limited of Hartford.
44. Helvetic Swiss Fire Insurance Company Limited, of St. Gall.
45. Hercules Insurance Company, Limited.
- 45A. Hindustan General Insurance Society, Ltd.,
46. Home Insurance Company.
47. Hong Kong Fire Insurance Company, Limited.
48. Hukamchand Insurance Company, Limited.
49. Indemnity Marine Assurance Company, Limited.
50. Indian Globe Insurance Company, Limited.
51. Indian Guarantee and General Insurance Company, Limited.
52. Indian Mercantile Insurance Company, Limited.
- 52A. Indian Trade and General Insurance Co., Ltd.
53. Insurance Office of Australia, Limited.
54. Java Sea and Fire Insurance Company, Limited.
55. Jupiter General Insurance Company, Limited.
56. Jayabharat Insurance Co., Ltd.,
- 56A. Messrs. Hind Insurance Co., Ltd.,
57. Law Union and Rock Insurance Company, Limited.
58. Legal and General Assurance Society, Limited of London.
59. Liverpool and London and Globe Insurance Company, Ltd.
60. London Assurance (The).
61. London Guarantee and Accident Company, Limited.
62. London and Lancashire Insurance Company, Ltd.,

63. London and Provincial Marine and General Insurance Company, Ltd.
64. London and Scottish Assurance Corporation, Ltd.,
65. Maritime Insurance Company, Limited.
66. Mercantile Fire Insurance Company of Canada.
67. Millowners' Mutual Insurance Association, Limited.
68. Motor Union Insurance Company, Limited.
69. National Employers Mutual General Association, Ltd.
70. National Fire and General Insurance Company, Ltd.
71. National Insurance Company of Great Britain, Ltd.
72. Omitted.
73. New Asiatic Insurance Company, Limited.
74. New Great Insurance Co. of India, Limited.
75. New India Assurance Company, Limited.
76. New Zealand Insurance Company, Limited.
77. North China Insurance Company, Limited.
78. Northern Assurance Company, Limited.
79. North British and Mercantile Insurance Company, Ltd.
80. Norwich Union Fire Insurance Society, Limited.
81. Ocean Accident and Guarantee Corporation, Ltd.,
82. Ocean Marine Insurance Company, Limited.
83. Overseas Assurance Corporation, Limited.
84. Orient Insurance Company of Hartford, U.S.A.
85. Palatine Insurance Company, Limited.
86. Pandyan Insurance Company, Limited.
87. Pearl Assurance Company, Limited.
88. Phoenix Assurance Company, Limited.
89. Pioneer Fire and General Insurance Company, Ltd.
90. Prithvi Insurance Company, Ltd.
91. Provincial Insurance Company, Limited.
92. Prudential Assurance Company, Limited.
93. Queen Insurance Company of America.
94. Queensland Insurance Company.
95. Railway Passengers' Assurance Company.
96. Reliance Marine Insurance Company, Limited.
97. Royal Exchange Assurance Corporation.

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98. Royal Insurance Company, Limited.
99. Ruby General Insurance Company, Limited.
100. Scottish Insurance Corporation, Limited.
101. Scottish Union and National Insurance Company.
102. Sea Insurance Company, Limited.
103. Sentinel Assurance Company, Limited.
104. South British Insurance Company, Limited.
105. South India Fire and General Insurance Company (Coimbatore), Ltd.
- 105-A. Standard General Assurance Co., Ltd.
106. State Assurance Company, Limited.
107. Sun Insurance Office, Limited.
108. Tropical Insurance Company, Limited.
109. Thames and Mersey Marine Insurance Company, Limited.
110. Triton Insurance Company, Limited.
111. Union Assurance Society, Limited.
112. Union Insurance Society of Canton, Limited.
113. Union Marine and General Insurance Company, Limited.
114. United India Fire and General Insurance Company, Ltd.
115. United Scottish Insurance Company, Limited.
116. Universal Fire and General Insurance Company, Limited.
117. Viswabharati Insurance Co., Limited.
118. Vulcan Insurance Company, Limited.
119. Warden Insurance Company, Limited.
120. West of Scotland Insurance Office, Limited.
121. Western Assurance Company of London and Toronto.
122. World Marine and General Insurance Company, Limited.
123. Yang-tsze Insurance Association, Limited.
124. Yorkshire Insurance Company, Limited.



## NOTIFICATION.

No. L.-W.I.S. 828, dated New Delhi, the 5th April 1944.

In pursuance of clause (f) of section 6 of the War Injuries (Compensation Insurance) Act, 1943 (XXIII of 1943), the Central Government is pleased to specify employment as a civil trainee in centres, other than factories, under the Government of India, Department of Labour, Technical Training Scheme for the purposes of the said section.

(vide G. of B. Gaz. Part IV-C. p. 293 of 20-4-1944).

## War Risks (Factories) Insurance Ordinance 1942

ORDINANCE No. XII of 1942.

As amended by Ordinance No. XXXII of 1942, XL of 1942, No. IX of 1943 and No. IX of 1944

*An Ordinance to provide for the insurance of certain property against war risks.*

WHEREAS an emergency has arisen which makes it necessary to provide for the insurance of certain property against war risks;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:—

**Short title, extent and commencement.**  
1. (1) This Ordinance may be called the War Risks (Factories) Insurance Ordinance, 1942.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

### Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

1. This Ordinance is made applicable to the partially excluded areas in the Province of Bombay. Vide Govt. of Bombay Gazette Part IV-A p. 204 28-5-42. Also Amendment Ordinance No. XXXII of 1942 VI of 1942 vide Government of Bombay Gazette Part IV-A p. 377 of 22-9-42.

**Enhanced penalty in certain cases after previous conviction.**

61. If any person who has been convicted of any offence punishable under clauses (b) to (f) inclusive of Section 60 is again guilty of an offence involving a contravention of the same provision, he shall be punishable on the second conviction with fine which may extend to seven hundred rupees, and if he is again so guilty shall be punishable on the third or any subsequent conviction with fine which may extend to one thousand rupees and shall not be less than two hundred and fifty rupees :

Provided that for the purposes of this Section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished :

Provided further that the Court, if it is satisfied that there are exceptional circumstances warranting such a course, may, after recording its reasons in writing, impose a smaller fine than is required by this Section.

**Penalty for failure to give notice of commencement of work or of change of manager.**

62. An occupier of factory who fails to give any notice required by sub-section (1) or sub-section (2) of Section 9 shall be punishable with fine which may extend to five hundred rupees.

**Penalty for obstructing Inspector.**

63. Whoever wilfully obstructs an Inspector in the exercise of any power under Section 11, or fails to produce on demand by an inspector any registers or other documents in his custody kept in pursuance of this Act or of any of the rules made hereunder, or conceals or prevents any workers in a factory from appearing before or being examined by an Inspector, shall be punishable with fine which may extend to five hundred rupees.

**Penalty for failure to give notice of accidents.**

64. A manager of a factory who fails to give notice of an accident as required under Section 30 shall be punishable with fine which may extend to five hundred rupees.

- (a) "buildings" includes foundations, plinths, floors, staircases, tanks, engine and boiler beds, chimneys and flues and boundary walls;
- (b) "factory" means a factory as defined in clause (j) of section 2 of the Factories Act 1934, and includes any premises including the precincts thereof which, having at any time after the 31st day of December, 1938, been a factory as defined in clause (j) of section 2 of the said Act, have not been exempted under section 14 from the provisions of sections 5 of this Ordinance ;
- (c) "factory buildings" includes all buildings comprised in the factory, and such other buildings (including residential buildings for staff and workmen, hospitals and welfare centres) within a radius of two miles from the main factory buildings as are in the same ownership or occupation as the factory and are used for the purposes of the factory ;
- (d) "the Fund" means the War Risks (Factories) Insurance Fund constituted under section 7;
- (e) "Insurable value" of property means the value of the property as ascertained for the purposes of insurance under this Ordinance ;
- (f) "occupier" of a factory has the meaning assigned to the word in clause (l) of section 2 of the Factories Act, 1934 ;
- (g) "owner" of a factory includes, when parts of the property insurable under this Ordinance in relation to the factory are owned by different persons, each such person in respect of the part owned by him;
- (h) "prescribed" means prescribed by rules made under this Ordinance;
- (i) "property insurable under this Ordinance" means in relation to any factory, the factory buildings and, except where they are for the time being goods insurable under the War Risks (Goods) Insurance Ordinance, 1940, all plant and machinery

in the factory, all materials in the factory for use in the production or transmission of motive power, or in the maintenance of plant and machinery or in the construction or reconstruction or maintenance of plant and machinery or in the construction or reconstruction or maintenance of factory buildings, and such other plant, machinery or materials as may be prescribed.

- (ii) "quarter" means a period of three months commencing on the first day of March, June, September or December.
- (j) "the Scheme" means the War Risks (Factories) Insurance Scheme referred to in sub-section (1) of section 3;
- (k) "war risks" means such risks arising from—
  - (i) action taken by an enemy or action taken in combating an enemy or in repelling an imagined attack by an enemy,
  - (ii) measures taken under proper authority to avoid the spreading of, or otherwise to mitigate, the consequences of damage occurring (whether accidentally or not) as the direct result of any such action as aforesaid,
  - (iii) precautionary or preparatory measures taken under proper authority with a view to preventing or hindering the carrying out of any attack by an enemy, being measures involving risk to property,
  - (iv) precautionary or preparatory measures involving the doing of work on land and taken under proper authority in any way in anticipation of enemy action, being measures involving risk to property,
  - (v) precautionary or preparatory measures taken under proper authority with a view to denying facilities to an enemy, being measures involving damage to or diminution of the value as may be prescribed.

**War Risks (Factories) Insurance Scheme.**

3. (1) The Central Government may, by notification in the Official Gazette, put into operation a scheme to be called the War Risks (Factories) Insurance Scheme, whereby the Central Government undertakes in relation to factories the liabilities of insuring against war risks, to the extent provided by and subject to the provisions of this Ordinance, property insurable under this Ordinance which appertains to a factory.

(2) The Scheme may be such as to provide for the undertaking by the Central Government of its liabilities under the Scheme as from a date anterior to the inauguration of the Scheme, or to the commencement of this Ordinance.

(3) The Scheme may extend to the undertaking by the Central Government in relation to any person of the liability of insuring such person against war risks in respect of any property insurable under this Ordinance which is not owned by him but in which he has an interest, up to the extent of such interest.

(4) The Scheme shall be such as to secure—

- (a) that the liability of the Central Government as insurers shall not extend to more than eighty per cent. of the insurable value of the property insurable;
- (b) that in respect of each claim the insured shall bear twenty per cent. of the loss or damage, or such other amount as may be fixed, with reference to the insurable value of the property insurable, in accordance with the prescribed scale, whichever is the greater;
- (c) that any liability of the Central Government as insurers under the Scheme is determined by a policy of insurance issued in the prescribed form and in respect of a prescribed period by a person acting on behalf of the Central Government;
- (d) that any premium under a policy so issued is payable at such rate as may for the time being be prescribed.

- (5) The Scheme may provide—
- (a) for undertaking in relation to works in course of construction which, when completed, will become factories, and such plant and machinery appertaining to such works as may be prescribed, the same liabilities as are undertaken by the Scheme in relation to factories ;
  - (b) that the payments due under a policy of insurance issued under the Scheme may, at the option of the Central Government, take either of the following forms, namely :—
    - (i) payment, within the limits of the liability assumed by the Central Government and in such manner and by such instalments as the Central Government may think fit, of the cost necessary to restore the property as far as practicable to the condition in which it existed before the occurrence of the damage, or
    - (ii) compensation, within the aforesaid limits, for the loss in value, ascertained on the basis of values and prices ruling at the time at which the policy of insurance was taken out, or at which the loss occurred, whichever is less, suffered, by the property as a result of the damage, after due allowance has been made for depreciation during the period of insurance cover ;
  - (c) that payments due under a policy of insurance issued at any time on or after the 29th day of May, 1942, under the Scheme may be postponed to any time before the expiry of one year from the date of the termination of the present hostilities, or, subject to payment of interest at the rate of two per cent. per annum from the expiry of the said year to any later date ;
  - (d) for making it an express or implied condition of any policy of insurance issued under the Scheme—
    - (i) that the owner or occupier of a factory shall

comply with all regulations or instructions made or issued under the authority of Government for safeguarding the property against damage from war risks, or

- (ii) that, where the Central Government exercises its option to pay the cost necessary to restore the property to its original condition, the owner of the factory shall, if so required by the Central Government, reconstruct the factory or remove the factory to and reconstruct it in another locality.

(6)<sup>1</sup> Different forms of policies, different rates of premium and different periods of insurances may be prescribed under sub-section (4) for the purpose of differentiating from other factories and other property insurable under this Ordinance—

- (a) premises becoming factories after the inauguration of the Scheme,
- (aa)<sup>2</sup> premises which were factories on the 29th day of May 1942 but were not insured under this Ordinance before the 31st day of March, 1944;
- (b) property insurable under this Ordinance which consists of additions made after the inauguration of the Scheme to the property insurable under this Ordinance appertaining to a factory.
- (c) property insurable under this Ordinance which consists of restorations or reconstructions of property insurable under this Ordinance which has after the inauguration of the Scheme suffered damage or destruction arising from a war risk.
- (d) works in course of construction (whether construction was begun before or after the inauguration of the Scheme) which, when completed, will become factories, and subsequent additions to such works.

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1. Substituted vide War Risks Insurance (extending) Ordinance No. IX of 1944 of 11-3-44.

2. Added vide Ibid.

**Employment of agents by the Central Government.**

4. The Central Government may employ or authorize the employment of any person or firm to act as its agents for any of the purposes of this Ordinance, and may pay to persons or firms so employed such remuneration as the Central Government thinks fit :

Provided that no person or firm shall be so employed unless that person or firm is either—

- (a) a member of an association prescribed in this behalf, or
- (b) a person who in British India has a standing contract with underwriters who are members of the Society of Lloyd's whereby such person is authorized within the terms of such contract to issue protection notes, cover notes or other documents granting insurance against war risks.

**Compulsory Insurance.**

5. (1) Every owner of a factory, except a factory belonging to the Crown or a factory exempted under section 14 from the provisions of this Ordinance, shall by such date as may be specified in this behalf by the Central Government, by notification in the Official Gazette, or, in respect of premises becoming a factory or property becoming property insurable under this Ordinance after that date or in a case to which sub-section (2) refers, before the commencement of the quarter next following that in which the premises become a factory, or the property becomes insurable under this Ordinance, or as the case may be, in which the reconstruction of the factory is completed, or before the expiry of seven days from the commencement of the War Risks (Factories) Insurance (Amendment) Ordinance, 1942, whichever is later, take out a policy of insurance against war risks issued in accordance with the Scheme, whereby he is insured in respect of all property insurable under this Ordinance which appertains to the factory for a sum not less than the insurable value of such property :

Provided that, where the owner of the factory is not



himself the occupier of the factory, the occupier of the factory shall, unless the owner has already taken out a policy of insurance as required by this sub-section, himself take out the policy, and in such a case the occupier shall be deemed to act as the agent of the owner and shall be entitled to receive from the owner all sums paid as premiums on the policy.

(2) The obligation imposed by sub-section (1) includes, when the owner of the factory is required by the Central Government to reconstruct a factory which has suffered damage, an obligation to take out an additional policy of insurance as required by the sub-section in respect of the reconstructed factory.

(3) When a factory in respect of which a policy of insurance against war risks has been taken out as required by this section is transferred from one owner to another or there is a change of occupier of the factory, the policy may be transferred to the new owner or occupier, and such new owner or occupier shall succeed to all rights and liabilities under and in relation to the policy as if the policy had been in the first instance taken out by him.

(4) Whoever contravenes the provisions of sub-section (1) or the proviso thereto, or having taken out a policy of insurance as required by that sub-section, fails to pay any instalment of premium thereon which is subsequently due, shall be punishable with fine which may extend to two thousand rupees and with a further fine which may extend to one thousand rupees for every day after the first on which the contravention or failure continues, and such punishment shall be without prejudice to any other penalty or liability incurred in consequence of such contravention or failure.

(5) Where any offence under sub-section (4) is tried by a Presidency-magistrate or a Magistrate of the first class then, notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Magistrate trying the offence may pass any sentence authorised by that sub-section.

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**Restriction on carrying on certain insurance business.**

6. (1) After the date on which the Scheme is put into operation no person shall, except as a person authorized by the Central Government as their agent to issue policies in pursuance of the Scheme, carry on the business of insuring factories in British India against war risks in respect of property insurable under this Ordinance.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to five thousand rupees and with a further fine which may extend to one thousand rupees for every day after the first on which the contravention continues.

**War Risks (Factories) Insurance Fund.**

7. (1) The Central Government shall establish a fund for the purposes of this Ordinance to be called the War Risks (Factories) Insurance Fund into which shall be paid all sums received by the Central Government by way of insurance premiums under the Scheme or by way of payments made on composition of offences under section 12, or under any provision of law corresponding thereto in force in an Indian State, or in the French Establishments in India, or in the territories (hereinafter referred to as administered Areas) set out in the Schedule, or by way of expenses or compensation awarded by a Court, under section 545 of the Code of Criminal Procedure, 1898, out of any fine imposed under this Ordinance and out of which shall be paid all sums required for the discharge by the Central Government of its liabilities under the Scheme, or for payments by the Central Government under section 9, or for the payment by the Central Government of the remuneration and expenses of agents employed for the purposes of the Scheme.

(2) If at any time when a payment is to be made out of the Fund the sum standing to the credit of the Fund is less than the sum required for the making of that payment an amount equal to the deficiency shall be paid into the Fund as an advance out of general revenues.

(3) If at any time the amount standing to the credit of the Fund exceeds the sum which, in the opinion of the Central Government, is likely to be required for the making of payments out of the Fund, the excess shall be paid into general revenues.

(4) The Central Government shall prepare in such form and manner as may be prescribed and shall publish either annually, or at such shorter intervals as may be prescribed, an account of all sums received into and paid out of the Fund.

**Power of Central Government to obtain information.**

8. (1) Any person authorised in this behalf by the Central Government may, for the purpose of ascertaining whether or not the owner or occupier of any property required to be insured under this Ordinance has taken out a policy of insurance as required by this Ordinance in respect of such property, or for the purpose of investigating the insurable value of any property insured, or required to be insured, or proposed for insurance under this Ordinance or for the purpose of estimating the damage suffered by any property insured under this Ordinance,—

- (a) require the owner or occupier of the property, or any person carrying on in British India the business of fire insurance in respect of the property, to submit to him such accounts, books or other documents, or to furnish to him such information as he may reasonably think necessary, or
- (b) at any reasonable time enter any premises comprising or containing the property, inspect such premises or property, and require any person found on such premises whom he believes to be in possession of information relevant to his investigation, to furnish to him such information as he may reasonably think necessary.

(2) Whoever wilfully obstructs any person in the exercise of his powers under this section or fails without reasonable excuse to comply with any request made thereunder shall, in respect of each occasion on which any such

obstruction or failure takes place, be punishable with fine which may extend to one thousand rupees.

(3) Whoever, in purporting to comply with his obligations under this section, knowingly or recklessly makes a statement false in a material particular, shall be punishable with fine which may extend to one thousand rupees.

**Payments towards cost of removal and reconstruction of factory.**

9. Where the Central Government requires the owner of a factory to remove the factory and to reconstruct it in another locality, the Central Government shall make to such owner out of the Fund such payments, in addition to any sum payable under the policy of insurance, as it considers sufficient to defray the cost of the removal and, if necessary, the replacement of any part of the property in respect of which no compensation is payable.

**Recovery of premiums unpaid.**

10. (1) Without prejudice to the provisions of sub-section (4) of section 5, where any person has failed to insure as, or to the full amount required by this Ordinance, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, an officer authorised in this behalf by the Central Government may determine the amount payment of which has been so evaded and the amount so determined shall be payable by such person and shall be recoverable from him as provided in sub-section (2).

(2) Any instalment of premium due on a policy of insurance issued under the Scheme, and any amount determined as payable under sub-section (1) shall be recoverable as an arrear of land-revenue and shall be a first charge on the property in respect of which the default was made.

(3) A person against whom a determination is made under sub-section (1) may, within the prescribed period, appeal against such determination to the Central Government whose decision shall be final.

**Penalty for failure to make returns.**

65. If in respect of any factory any return is not furnished as required under Section 77, the manager and the occupier of the factory shall each be liable to fine which may extend to five hundred rupees :

Provided that if both the manager and the occupier are convicted, the aggregate of the fines inflicted shall not exceed this amount.

**Penalty for smoking or using naked light in vicinity of inflammable material.**

66. Whoever smokes, or uses a naked light or causes or permits any such light to be used in the vicinity of any inflammable material in a factory shall be punishable with fine which may extend to five hundred rupees.

*Exception.*—This provision does not extend to the use, in accordance with such precautions as may be prescribed, of a naked light in the course of a manufacturing process.

**Penalty for using false certificate.**

67. Whoever knowingly uses or attempts to use, as a certificate granted to himself under Section 52, a certificate granted to another person under that Section, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with fine which may extend to twenty rupees.

**Penalty on guardian for permitting double employment of a child.**

68. If a child works in a factory on any day on which he has already been working in another factory, the parent or guardian of the child or the person having custody of or control over him, or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to twenty rupees, unless it appears to the Court that the child so worked without the consent, connivance or wilful default of such parent, or guardian person.

**Penalty for failure to display certain notices.**

69. A manager of a factory who fails to display the notice required under sub-section (1) of Section 76 or by

**Limitation of prosecutions.**

11. No prosecution for any offence punishable under this Ordinance shall be instituted against any person except by or with the consent of the Central Government or an authority authorised in this behalf by the Central Government.

**Composition of offences.**

12. Any offence punishable under sub-section (4) of section 5 may, either before or after the institution of the prosecution, be compounded by the Central Government, or by any authority authorized in this behalf by the Central Government, on payment for credit to the Fund of such sum as the Central Government or such authority, as the case may be, thinks fit.

**Bar of legal proceedings.**

13. (1) No suit, prosecutions or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance.

(2) On and after the 29th day of May, 1942, no suit shall be maintainable in any civil court against the Central Government, or a person acting as its agent under section 4, for the refund of any money paid or purporting to have been paid as premium on a policy of insurance taken out or purporting to have been taken out under this Ordinance.

**Power to exempt factories.**

14. (1) The Central Government may, by notification in the Official Gazette, exempt any factory or any description of factories or any premises including the precincts thereof which have at any time after the 31st day of December, 1938, been a factory as defined in clause (j) of section 2 of the Factories Act, 1934, from the provisions of this Ordinance requiring such factories or premises to be insured or to continue to be insured under this Ordinance; but such exemption shall not prejudice the infliction of any penalty or the accrual of any liability incurred before the date on which the exemption takes effect.

**Power to make rules.**

(2) In granting any exemption under this section the Central Government may direct that the exemption shall take effect or be deemed to have taken effect on a specified date after or before the date of the notification.

15. (1) The Central Government may, by notification in the Official Gazette, make rules to carry into effect the provisions of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the method of ascertaining the value of property for the purposes of insurance under this Ordinance ;
- (b) prescribe the plant machinery and materials other than plant, machinery and materials in the factory which shall be property insurable under this Ordinance.
- (c) prescribe the risks which shall be deemed to be war risks for the purposes of clause (k) of section 2;
- (d) prescribe the forms of the policies of insurance referred to in clause (c) of sub-section (4) of section 3 and the period in respect of which such policies shall be issued ;
- (e) prescribe the associations referred to in clause (a) of the proviso to section 4;
- (f) prescribe the form of and the manner of preparing the account referred to in sub-section (4) of section 7.
- (g) prescribe the procedure in making determinations and in presenting appeals from determinations made under section 10.

**Power of Central Government to extend Ordinance and scheme to certain insurance projects.**

16. (1) The Central Government may, by Order, declare that the provisions of this Ordinance and of the

Scheme made thereunder shall apply to the insuring against war risks of—

- (a) the plant and machinery, whether above or below ground, appertaining to mines as defined in the Indian Mines Act, 1923, buildings appertaining to mines and within a radius of two miles from the mine excavation and, in relation to such plant, machinery and buildings, such materials above ground as would if the mine were a factory, be included in the term "property insurable under this Ordinance" ;
- (b) the whole or a specified part of the distribution systems of gas supply undertakings generally, or of specified gas supply undertakings ;
- (c) the whole or a specified part of the distribution and transmission systems, sub-stations, switch houses and transformer houses of electric supply undertakings generally, or of specified electric supply undertakings.
- (d) the whole or a specified part of the sluice houses, valve houses, water-pipe lines, penstocks and any other plant and machinery pertaining to the intake of hydraulic power of hydro-electric supply undertakings generally, or of specified hydro-electric supply undertakings,

as they apply to property insurable under this Ordinance which appertains to a factory.

(2) in interpreting this Ordinance as applied by a notification under clause (a) of sub-section (1) to mines, references to the owner of a factory shall be read as references to the owner or agent of a mine as defined in the Indian Mines Act, 1923, and references to the occupier of a factory shall be read as references to the agent of a mine as defined in that Act; and in interpreting this Ordinance as applied by notification or order under any of the clauses of sub-section (1) 'property insurable under this Ordinance' shall be interpreted as meaning all property to which the Scheme is by the said notification or order declared to apply.



**Application of the scheme to property in certain territories outside British India.**

17. (1) If the Central Government is satisfied that by the law of an Indian State or of the French Establishments in India or of the Administered Areas provision has been made substantially corresponding to the provision made by this Ordinance requiring the owners or occupiers of factories in that State or those Establishments or the Administered Areas, as the case may be, to take out policies of insurance against war risks, the Central Government may, by notification in the Official Gazette, declare that this section shall apply to the territory of that State or of those Establishments or comprising the Administered Areas.

(2) On the application of this section to any territory, the Scheme made under this Ordinance shall extend to the undertaking by the Central Government in respect of persons and property in such territory of the same liabilities, in the same manner, to the same extent and subject to the same conditions, as if the persons and property concerned were in British India.

(3) On the application of this section to any territory, the provisions of section 6 shall be deemed to prohibit any person, except as a person authorised by the Central Government as their agent to issue policies in pursuance of the Scheme, from carrying on after the date of the notification by which this section is applied the business of insuring factories in that territory against war risks in respect of property insurable under this Ordinance.

(4) The references to factories in this section shall be construed as references to premises which, if they were situated in British India, would be factories as defined in this Ordinance.

**Refund of Insurance Premiums.**

18. The Central Government may, in any case in which it thinks fit, allow a refund to be made of any sum paid by way of premium on a policy of insurance issued or purporting to have been issued under this Ordinance.

THE SCHEDULE.

1. The Cantonment of Baroda.
2. The administered areas in the Western India States Agency specified in the Western Indian States Administered Areas (Application of Laws) Order 1937.
3. The administered areas in the Central India Agency specified in the Central India Administered Areas (Application of Laws) Order, 1937.
4. *The Gwalior Residency Area.*
5. The District of Abu.
6. The administered areas in the Hyderabad State specified in the Hyderabad Administered Areas (Application of Laws) Order, 1937.
7. The Civil and Military Station of Bangalore.
8. The Kolhapur Residency Area and the Wadi Jaghir.
9. The railway lands in the Western Indian States Agency specified in the notifications of the Political Department, Nos. 189-I. B. and 190-I. B. dated the 8th September 1937.
10. The Rajputana and Central India railway lands specified in the Rajputana and Central India Railway Lands (Application of Laws) Order, 1937.
11. The Punjab States railway lands specified in the Punjab States Railway Lands (Application of Laws) Order, 1939.
12. The Thana Circles in the Rewa Kantha Agency in the Gujerat Agency and the Dangs.
13. The British Reserve in Manipur.

## War Risks (Factories) Insurance Ordinance, 1942

### RULES

Notification No. 2-W.R.I. (F)/42, Dated the 2nd May 1942.

In exercise of the powers conferred by section 15 of the War Risks (Factories) Insurance Ordinance, 1942 (No.

XII of 1942), the Central Government is pleased to make the following rules, namely :—

1. (1) These rules may be called the War Risks (Factories) Insurance Rules, 1942.

(2) They extend to the whole of British India including those excluded and partially excluded areas to which the War Risks (Factories) Insurance Ordinance, 1942 (No. XII of 1942), has been, or may hereafter be, applied by notification under sub-section (1) of Section, 92 of the Government of India Act, 1935.

2. In these rules, 'unless there is anything repugnant in the subject or context,—

- (i) "Government Agent" means any person or firm employed under section 4 to act as agent of the Central Government for any of the purposes of the Ordinance ;
- (ii) "Ordinance" means the War Risks (Factories) Insurance Ordinance, 1942 ;
- (iii) "Policy" means a policy of insurance issued under the Scheme, and includes the supplementary policies referred to in rule 5 ;
- (iv) "Section" means a section of the Ordinance.

3. For the purposes of the Ordinance and these Rules—

(1) the following risks shall be war risks, namely, the risks of—

- (a) damage occurring (whether accidentally or not) as the direct result of action taken by the enemy, or action taken in combating the enemy or in repelling an imagined attack by the enemy ;
- (b) damage occurring (whether accidentally or not) as the direct result of measures taken under proper authority to avoid the spreading of, or otherwise to mitigate, the consequences of such damage as aforesaid ;
- (c) accidental damage occurring as the direct result—
  - (i) of any precautionary or preparatory measures taken under proper authority with a

view to preventing or hindering the carrying out of any attack by the enemy, or

- (ii) of precautionary or preparatory measures involving the doing of work on land and taken under proper authority in any way in anticipation of enemy action,

being in either case, measures involving risk to property ;

- (d) damage occurring (whether accidentally or not) as the direct result of precautionary or preparatory measures taken under proper authority with a view to denying facilities to an enemy, being measures involving damage to or diminution of the value of property ;

Provided that the measures mentioned in sub-clause (c) do not include the imposing of restrictions on the display of lights or measures taken for training purposes :

- (2) such action against the enemy as is referred to in sub-clause (a) of clause (1)—

- (a) shall, in relation to any ship or aircraft taking part in such action, be deemed to continue until the ship or aircraft has returned to its base ;

- (b) includes naval, military or air reconnaissances and patrols.

4. (1) Every policy issued on or before the 31st day of March 1944 shall be in the form given in Part A of the First Schedule to these Rules.

(2) Every policy issued after the 31st day of March 1944 shall be in the form given in Part B of the First Schedule to these Rules and shall be in respect of a period ending on the 31st day of March 1945 or such subsequent date as the Central Government may by notification in the Official Gazette direct under section 2 of the War Risks Insurance (Extending) Ordinance, 1944 (No. IX of 1944).

5. (1) Every policy shall be in respect of property insurable under the Ordinance appertaining to a single factory.

Provided that if a single building owned by one person houses several factories, the whole or that portion of the

building which houses the several factories may be insured under a single policy.

Provided further that when any plant, machinery and materials appertain to more factories than one such plant machinery and materials may be insured separately under a single Policy.

(2) If during the currency of a policy, any additions are made to the property insurable under the Ordinance appertaining to the factory, a supplementary policy shall be taken out in respect of such additions.

(3) A policy may be taken out in relation to works in course of construction which when completed will be a factory. When the option is exercised the original insurance shall be effected by the 31st August 1942 or within a month from the date of the commencement of the works, whichever is later and a supplementary policy shall be taken out before the end of every quarter in which the insurable value of the property has increased or is expected to increase as a result of additions made or to be made to the works.

6. (1) The premium payable under any policy in respect of property which on the 29th May 1942 was insurable under the scheme shall in respect of the period ending on the 31st day of March 1944, be four per cent. of the insurable value of the property calculated to the nearest anna on each complete sum of one hundred rupees and shall be paid in eight equal instalments as hereinafter prescribed.

(a) Where the application for insurance is made not later than the 31st May 1942 or, being an application in respect of any property insurable in pursuance of an order or a notification issued under section 16 or 17 section, not later than the 30th August 1942, the first instalment shall be payable along with the application and the other seven instalments shall be payable on or before the first day of each succeeding quarter.

(b) Where the application for insurance is made after the appropriate date specified in clause (a), it

shall be accompanied by all the instalments that would have been payable under clause (a) had the application been made not later than the appropriate date specified therein, and the remaining instalments shall be payable on or before the first day of each succeeding quarter:

Provided that where the application for insurance is made on or after the 1st September 1942, but before the 1st December 1942, and is in respect of a factory in any excluded or partially excluded area in British India, the application need not be accompanied by more than two instalments of the premium (provided that all the instalments due on or by the 1st December 1942 under this sub-rule shall be paid on or before the 1st December 1942).

(2) The premium payable under any policy issued in respect of property which on the 29th May 1942 was not insurable under the Scheme shall be payable at such rate and in such instalments as may from time to time be fixed by the Central Government by notification in the Official Gazette.

Provided that if the property insurable other than property specified below is comprised in any of the properties specified in section 16 or is situate in an excluded or partially excluded area or in any of the territories referred to in section 17, the premium payable under the policy shall in respect of the period ending on the 31st day of March, 1944 be four per cent. of the insurable value calculated in the manner laid down in sub-rule (1) if the property was in existence on the 29th May 1942.

<sup>2</sup>(a) boundary walls;

(b) all materials in the factory for use in the production or transmission of motive power, or in the maintenance of plant and machinery or in the construction or reconstruction or maintenance of factory buildings.

(3) The premium payable under any policy in respect of any period subsequent to that ending on the 31st

<sup>1</sup> Added vide Government of Bombay Gazette Part IV-C p. 299 of 1-4-43.

<sup>2</sup> Added vide *ibid*.

day of March 1944 shall be payable at such rates and in such instalments as may, for the time being, be fixed by the Central Government by notification in the Official Gazette.

7. For the purposes of insurance under the Ordinance, the insurable value of property shall be ascertained in accordance with the following principles :—

- (a) The insurable value shall be the actual value or in the case of works in course of construction, the estimated value, of the property on the relevant date after making due allowance for any depreciation.
- (b) All plan and machinery which is part of the property to be insured under the Scheme shall be valued as part of a going concern and not as scrap.
- (c) The relevant date referred to in clause (a) shall be—
  - (i) in relation to factories insurable under the Ordinance and any property insurable in pursuance of a notification issued under section 16 or section 17—the date on which the application for insurance is made, and
  - (ii) in relation to works in course of construction and additions made to property insurable under the Ordinance—the last day of the quarter in which the application for insurance is made.

8. (1) Every application for insurance under the Scheme shall be in duplicate with the form given in Part A or Part B of the Third Schedule to these Rules according as the application is for an original or a supplementary policy, and shall be made to a Government Agent or to such officer as may be authorised by a Government Agent in this behalf.

(2) Every such application shall be accompanied by the requisite instalment or instalments of the premium calculated in accordance with the provisions of rules 6 and

any rule made under this Act, or to display or maintain any such notice as required by sub-section (2) of that Section, shall be punishable with fine which may extend to five hundred rupees.

**Determination of "occupier" for purposes of this Chapter.**

70. (1) Where the occupier of a factory is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable :

Provided that the firm or association may give notice to the Inspector that it has nominated one of its member who is resident in British India to be the occupier of the factory for the purposes of this Chapter, and such individual shall so long as he is so resident be deemed to be the occupier for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

(2) Where the occupier of a factory is a company, any one of the directors thereof, in the case of a private company, any one of the shareholders thereof, may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable :

Provided that the company may give notice to the Inspector that it has nominated a director, or, in the case of a private company, a shareholder, who is resident in either case in British India, to be the occupier of the factory for the purposes of this Chapter, and such director or shareholder shall so long as he is so resident be deemed to be the occupier of the factory for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or shareholder.

**Exemption of occupier or manager from liability in certain cases.**

71. (1) Where the occupier or manager of a factory is charged with an offence against this Act, he shall be



7, which amount may be remitted by bank draft, cheque, money order or postal order or delivered in cash.

*Note 1.*—The applicant may, if he so desires, remit more than the requisite instalments of the premium along with his application.

*Note 2.*—Where the remittance is by cheque, the amount, if any, charged by the Government Agents' bank as collection charges shall be deducted from the amount of the cheque, and the applicant given credit only for the balance.

9. (1) Every policy issued on an application made before 29th May 1942, or if in respect of any property insurable in pursuance of a notification issued under section 16 or section 17, before the 31st August 1942, in accordance with the provisions of rule 8 shall be deemed to have taken effect from the 1st April 1942 and shall be made out accordingly.

(2) Every policy issued on an application made on or after the 29th May 1942 or if in respect of any property insurable in pursuance of a notification issued under section 16 or section 17, (before) on or after the 31st August 1942, shall take effect from the date of receipt of the application by the Government Agent, or, as the case may be, the officer authorised by the Government Agent, or on and from the date given in the application as the date on which the insurance is to commence, whichever is later, and shall be made out accordingly.

(3) Where any property insurable under the Ordinance is or has been damaged or destroyed from War risks before the 29th May 1942 or, in the case of property insurable in pursuance of a notification issued under section 16 or section 17, before the 31st August 1942, the owner or occupier of a factory or any other person interested in the property may make an application before the 29th May 1942 or as the case may be 31st August 1942 in accordance with the provisions of rule 8 for insuring the property under the Scheme for a sum equal to the insurable value of the property on the date immediately preceding the date on which the property is or has been so damaged or destroyed, and on such application being made, a policy, taking effect from the 1st April, 1942, shall be issued to the person making the application.

10. (1) If no amount accompanies the application for insurance the application if otherwise in order may be kept in suspense pending the receipt of the requisite instalments of the premium, and on receipt thereof, a policy of insurance shall be issued on such application, and shall take effect from the date of receipt of the premium or on and from the date given in the application as the date on which the insurance is to commence, whichever is later:

Provided that if the application was made before the 29th May 1942 or being an application in respect of any property insurable in pursuance of a notification issued under section 16 or section 17, before the 31st August 1942 and the requisite premium was also received before the 29th May 1942 or as the case may be 31st August 1942, the policy shall be deemed to take effect from the 1st April 1942.

(2) If the application for insurance is not received in accordance with the prescribed form, the amount accompanying the application may be retained by the Government Agent and the application returned to the applicant for necessary correction and resubmission. A policy of insurance shall be issued on receipt of such application correctly made out in accordance with the prescribed form and that policy shall take effect from the date of receipt of the application so made out, or, on and from the date given in the application as the date on which the insurance is to commence whichever is later:

Provided that if the requisite premium and the application in the correct form are both received before the 29th May 1942 or if in respect of any property insurable in pursuance of a notification issued under section 16 or section 17, before the 31st August 1942 the policy shall be deemed to take effect from the 1st April 1942.

11. (1) The Government Agent shall issue a policy of insurance as soon as possible after the receipt of an application in accordance with the provisions of rule 8:

Provided that—

(a) if the application shows that the applicant has taken out an insurance in respect of the same pro-

perty or any part thereof against fire, or accident risks with any other insurance company, the Government Agent may, in his discretion, postpone the issue of the policy until enquiries have been made from that company; and

(b) if the premium is remitted by cheque, the Government Agent may, in his discretion, postpone the issue of the policy until the cheque has been cashed.

(2) Where the amount determined in accordance with rule 20 is fully recovered, the Government Agent to whom the amount has been paid shall, as soon as possible after such recovery, send the requisite application forms to the defaulter for completion and return, except in the case of a factory which has been exempted from compulsory insurance. A policy or supplementary policy in respect of the property concerned according as the recovery is in respect of non-insurance or under-insurance shall be issued by the Government Agent on receipt of the application correctly made out in accordance with the prescribed form and that policy shall be made out to take effect from the date the amount was fully recovered.

12. In the event of the loss of a policy a duplicate policy will not be issued, but if it is satisfactorily proved that a policy has been issued, the absence of that policy will not be a bar to a claim under it.

13 The following Associations are prescribed for the purpose of clause (a) of the proviso to section 4 :—

1. The Indian Insurance Companies Association, Industrial Assurance Building, Churchgate, Bombay.
2. The Indian Insurance Companies Association, 102-A, Clive Street, Calcutta.
3. The Calcutta Insurance Association, Royal Exchange, Calcutta.
4. The Madras Fire Insurance Association, 2-6, Second Line Beach, Madras.

5. The Bombay Fire Insurance Association, Rampart Row, Fort, Bombay.
6. The Fire Salvage Association of Bombay, Limited, Bombay.
7. The Bombay Accident Insurance Association, Bombay.
8. The Bombay Underwriters' Association, Bombay.

14. (1) All claims shall be submitted in writing in the Form given in the Fourth Schedule to these Rules to the Government Agent concerned within the time specified in condition 4 of the Conditions set forth in the Second Schedule to these Rules.

(2) On receipt of a claim, the Government Agent shall send notice to the Claims Committee and shall, in consultation with the Committee, have the claim verified and the loss or damage, if any, assessed by a person who is for the time being included in the list of recognised Loss Assessors issued and maintained by the Central Government in this behalf, or if the Central Government so directs, by such person as may be specifically deputed by them for the purpose.

Provided that in case of loss or damage in a district where none of the Loss Assessors included in the list of recognised Loss Assessors is available such verification and assessment shall be made by a person who may be deputed for the purpose either by any of the Associations specified in rule 13 or by any of the Special Officers, War Risks (Factories) Insurance.

Provided further that any person generally authorised in this behalf by the Central Government may also assess the loss or damage independently and report thereon to the Secretary to the Government of India in the Department of Commerce. Government Agents should keep such a person informed of all claims received by them.

(3) As soon as the Loss Assessor has verified the claim and assessed the loss or damage, if any, he shall report thereon to the Government Agent who shall, after such further verification as he thinks fit to make, forward

the report, with his remarks and recommendation to the Claims Committee which will examine and submit it with such recommendation as it considers necessary to make to the Secretary to the Government of India in the Department of Commerce through the Accounts Officer to whom the counterfoil of the policy was sent.

(4) If the claim is proved to the satisfaction of the Central Government, a payment order in favour of the claimant will be issued through the Government Agent on a date fixed in accordance with rule 19 except where payment is postponed in pursuance of clause (c) of subsection (5) of section 3. On receipt of the payment, the claimant shall give a receipt in the Form set forth in the Sixth Schedule to these Rules.

15. (1) Where it is established to the satisfaction of Government that insurance under the Scheme has been taken out separately by the owner and the occupier of a factory in respect of the same property, the policy taken out by the occupier may be cancelled and a refund of premium allowed to him unless he has recovered the premium from the owner in which case the refund may be made to the owner.

(2) Notwithstanding anything contained in these Rules, where a policy has been taken out in respect of any property insurable under the Ordinance appertaining to a factory or other premises and that factory or premises is subsequently exempted from the provisions of section 5 or destroyed otherwise than by any action on measure comprised in the express War risks as defined for the time being by these Rules and the insurance is not continued by the person taking out the policy, the policy shall be cancelled with effect from the date on which the exemption takes effect or, as the case may be, on which the factory or premises are destroyed as aforesaid and no further instalments of premium shall be payable in respect of the period, if any, up to the day before the next instalment is due.

(3) No refund of premium shall be allowed in respect of any policy issued or purported to have been issued under the Scheme except as provided in section 18 and sub-rules (1) and (2).

16. An account of all sums received into and paid out of the Fund shall be prepared in the form set forth in the Fifth Schedule to these Rules and shall be published annually.

17. (1) All plant, machinery and materials (being materials for use in the production or transmission of motive power or in the maintenance of plant and machinery or in the construction or re-construction or maintenance of factory buildings) appertaining to, or appropriated for the purposes of a factory (being a factory which is insurable under the Ordinance) shall, when owned by the owner or occupier of the factory, be property insurable under the Ordinance if situated anywhere in British India or in any territory to which section 17 for the time being applies, provided that such plant or machinery or materials are not for the time being covered against war risks by an Overseas Government War Risks Insurance Policy or a Marine Insurance Policy whereby they are insured for a sum not less than their value for the time being and provided also that such plant and machinery or materials are not insurable for the time being under the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940).

(2) When a policy has been taken out in accordance with sub-rule (3) of rule 5 in respect of any works in course of construction which when completed will become a factory, all plant and machinery appertaining to or appropriated for the purposes of such works shall, when owned by the owner of the works, be property insurable under the Ordinance if situated anywhere in British India or in any territory to which section 17 for the time being applies provided that such plant or machinery is not for the time being covered against war risks by an Overseas Government War Risks Insurance Policy or a Marine Insur-

ance Policy whereby it is insured for a sum not less than its value for the time being and provided also that such plant and machinery is not insurable for the time being, under the War Risks (Goods) Insurance Ordinance, 1940 (No. IX of 1940).

18. In respect of each claim under a policy the insured shall bear twenty per cent. of the loss or damage or the sum specified below whichever is greater :—

If the insurable value of the property insured does not exceed Rs. 5,000, the first Rs. 250 of each claim.

If the insurable value of the property insured exceeds Rs. 5,000 but does not exceed Rs. 10,000, the first Rs. 500 of each claim.

If the insurable value of the property insured exceeds Rs. 10,000 but does not exceed Rs. 15,000, the first Rs. 750 of each claim.

If the insurable value of the property insured exceeds Rs. 15,000, the first Rs. 1,000 of each claim.

19. Payment of compensation under the Scheme shall be made,

- (a) in a case where the Government exercises the option to pay within the liability assumed by it the cost of restoring the property lost or damaged as far as practicable to the condition in which it existed before the occurrence of such loss or damage, on such restoration, or,
- (b) where the Government decides to make the payment in instalments during the progress of the works relating to the restoration of the property lost or damaged, the instalments shall be paid on restoration of parts of the property as determined by the Government and at the expiration of such period after the restoration of the relevant parts as may be required by it to ascertain the fact of restoration and the proper cost thereof, or
- (c) in a case where the payment is based on the loss in value suffered by the property on such date

## LABOUR AND FACTORY LEGISLATION

whether before or after the termination of the present hostilities and in such instalments, if any, as Government may fix in this behalf.

Provided that where any payment based on the loss in value suffered by the property is postponed to a date later than one year from the termination of the present hostilities, simple interest at the rate of two per cent. per annum from the expiry of the said one year shall be paid on the unpaid portion of claim admitted by the Government.

20. (1) Where any person has failed to insure as or to the full amount, required by the Ordinance and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure the amount evaded shall be determined in accordance with the Seventh Schedule to these Rules.

(2) Every person against whom a determination has been made in pursuance of sub-rule (1) may, within the period laid down in the Seventh Schedule to these Rules, appeal to the Central Government whose decision shall be final.

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### FIRST SCHEDULE.

(See Rule 4.)

#### PART A.

#### GOVERNMENT OF INDIA.

Policy No. ....

Supplementary to Policy No. ....

#### War Risks (Factories) Insurance Ordinance, 1942. Policy of Insurance in respect of Properties Insurable thereunder.

This Policy and the Specification hereto (which forms an integral part of this Policy) shall be read together as one contract, and the words and expressions to which specific meanings have been attached in the Specification shall bear those meanings wherever they may appear.



THE SPECIFICATION.

The Governor General. The Governor General of India in Council.

The Government Agent

The Insured

Address

The Insured's business

The Property Insured: Property insurable under the Ordinance

Description and situation of property Insured.

Sum for which Insured:

(a) Buildings. Rs.

(b) Plant, Machinery and Material Rs.

Total Rs.

Period of Insurance:

From the day of 194 to the Thirty-first day of March 1944.

The Premium: Rs.

First Instalment of Premium Rs.

Received on the day of 194 .

Subsequent instalments of the Premium of Rs.,..... are payable as under:—

2nd instalment—1st June 1942.

3rd instalment—1st September 1942.

4th instalment—1st December 1942.

5th instalment—1st March 1943.

6th instalment—1st June 1943.

7th instalment—1st September 1943.

8th instalment—1st December 1943.

But in respect of property insurable by virtue of Notifications under section 16 or 17, the subsequent instalments are payable as under:—

2nd instalment—1st September 1942.

3rd instalment—1st December 1942.

4th instalment—1st March 1943.

## LABOUR AND FACTORY LEGISLATION

5th instalment—1st June 1943.

6th instalment—1st September 1943.

7th instalment—1st December 1943.

8th instalment—1st March 1944.

No days of grace are allowed.

WHEREAS the Insured has made and forwarded to the Government Agent a signed application for insurance, which application he has agreed shall be the basis of this Policy, and has paid the amount of the first instalment of premium.

NOW this Policy witnesseth that in consideration of the Insured paying to the Governor General the said first instalment of premium and subject to the payment of all subsequent instalments of premium as they become due, the Governor General agrees [subject to the conditions contained in the Second Schedule to the War Risks (Factories) Insurance Rules which conditions shall, so far as the nature of them respectively will permit, be deemed to be conditions precedent to the right of the insured to recover hereunder] that if during the period of insurance stated above the property insured or any part of such property shall suffer any loss or damage, being loss or damage caused by any act comprised in the expression "War Risks" as defined for the time being by the said Rules, the Governor General will, at his option,—

(a) pay, within the limits of liability assumed by him and in such manner and by such instalments as is provided for in the Rules, the cost necessary to restore the property as far as practicable to the condition in which it existed before the occurrence of the damage,

or

(b) compensate, within the aforesaid limits, for the loss in value, ascertained on the basis of values and prices ruling at the time at which the policy of insurance took effect or when the loss or damage took place whichever is less, suffered by the

entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge ; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court—

- (a) that he has used due diligence to enforce the execution of this Act, and
- (b) that the said other person committed the offence in question without the knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Act.

(2) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceedings—

- (a) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Act, and
- (b) by what person the offence has been committed, and
- (c) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders,

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

#### **Presumption as to employment.**

72. If a child over the age of six years is found inside any part of a factory in which children are working, he shall, until the contrary is proved, be deemed to be working in the factory.

#### **Evidence as to age.**

73. (1) When an act or omission would, if a person

property as a result of such loss or damage, after due allowance has been made for depreciation during the period of insurance hereunder ;

Provided that the liability of the Governor General shall in no case exceed eighty per cent. of the interest of the Insured in the property affected or eighty per cent. of the sum insured hereby whichever is less.

Provided also that no liability shall attach to this policy,—

- (a) for 20 per cent of any loss or damage or such sum as is specified in the War Risks (Factories) Insurance Rules, whichever is greater,
- (b) while and so long as any instalment of premium hereunder remains unpaid.

It is expressly warranted that the Insured shall at all times comply with all regulations or instructions made or issued under the authority of Government for safeguarding the property against damage from war risks.

In witness whereof, I, being duly authorised in that behalf have hereto set my hand on behalf of the Governor General.

Dated,

The

194 .

Signature

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PART B.

Form of Policy to be issued after 31st March 1944.

Policy No.

Supplementary to Policy No.

GOVERNMENT OF INDIA.

War Risk (Factories) Insurance Ordinance, 1942.

Policy of Insurance in respect of properties Insurable thereunder.

This Policy and the Specification hereto (which forms an integral part of this Policy) shall be read together as one contract and the words and expressions to which specific meanings have been attached in the Specification shall bear those meanings wherever they may appear.

### THE SPECIFICATION.

The Governor General: The Governor General of India in Council.  
The Government Agent.

The Insured

Address

The Insured's business

The Property Insured: Property insurable under the Ordinance:

Description and situation of property Insured.

Sum for which Insured:

(a) Buildings

(b) Plant, Machinery and Materials

Rs. ....

Rs. ....

Rs. ....

Total

Period of Insurance:

From the

day of

to the Thirty first day of March 1945.

194 .

The Premium for the period ended 31st March 1944:

Rs. ....

The Premium for the period ending 31st March 1945:

Rs. ....

First Instalment of Premium:

Rs. ....

Received on the

day of

194 .

Subsequent instalments of the Premium of Rs. .... are payable as under:

2nd instalment—1st June 1944.

3rd instalment—1st September 1944.

4th instalment—1st December 1944.

No days of grace are allowed.

WHEREAS the Insured has made and forwarded to the Government Agent a signed application for insurance, which application he has agreed shall be the basis of this Policy, and has paid the amount of the first instalment of premium.

Now this Policy witnesseth that in consideration of the Insured paying to the Governor General the said first instalment of premium and subject to the payment of all subsequent instalments of premium as they become due, the Governor General agrees (subject to the conditions contained in the Second Schedule to the War Risks (Factories) Insurance Rules which conditions shall, so far as the nature of them respectively will permit, be deemed to be conditions precedent to the right of the insured to recover hereunder) that if during the period of insurance stated above the property insured or any part of such property shall suffer any loss or damage, being loss or damage caused by any act comprised in the expression "War Risks" as defined for the time being by the said Rules, the Governor General will, at his option,—

(a) pay, within the limits of liability assumed by him, and in such manner and by such instalments as is provided for in the Rules, the cost necessary to restore the property as far as practicable to the condition in which it existed before the occurrence of the damage,

or

(b) compensate, within the aforesaid limits, for the loss in value ascertained on the basis of value and prices ruling at the time at which the policy of insurance took effect or when the loss or damage took place whichever is less, suffered by the property as a result of such loss or damage, after due allowance has been made for depreciation during the period of insurance hereunder:

Provided that the liability of the Governor General shall in no case exceed eighty per cent of the interest of the Insured in the property affected or eighty per cent of the sum insured hereby whichever is less.

Provided also that no liability shall attach to this policy,—

- (a) for twenty per cent of any loss or damage or such sum as is specified in the War Risks (Factories) Insurance Rules whichever is greater;
- (b) while and so long as any instalment of premium hereunder remains unpaid.

It is expressly warranted that the Insured shall at all times comply with all regulations or instructions made or issued under the authority of Government for safeguarding the property against damage from war risks.

In witness whereof, I, being duly authorised in that behalf have hereto set my hand on behalf of the Governor General.

Dated,

The

194 .

Signature.

## SECOND SCHEDULE.

[See rule 14 (1) and the First Schedule.]

### CONDITIONS.

The Governor General shall be under no liability under any policy of insurance to which these conditions apply (hereinafter referred to as "the policy") if and in so far as the Insured is not entitled to be insured for the sum thereby insured in respect of the property insured under the Ordinance.

2. If at the time of the happening of any loss or damage the sum insured by this policy shall be less than (a) the total value of the property at the time of the loss or damage or (b) the total value of the property on the date of commencement of insurance whichever is less the insured shall be considered as being his own insurer for the excess and shall bear a rateable share of the loss accordingly.

3. If at the time of the happening of any loss or damage there be any other insurance effected by or on behalf

of the insured covering any of the property suffering that loss or damage, the liability of the Governor General, under the policy shall be limited to its rateable proportion of such loss or damage:

4. On the happening of any loss or damage the insured shall forthwith give notice thereof in writing to the Government Agent, and shall within fifteen days after such loss or damage, or such further time as the Government Agent may in writing allow, at his own expense deliver to the Government Agent a claim in writing containing as particular an account as may be reasonably practicable of the several articles or portions of property suffering that loss or damage and of the amount of such loss or damage, having regard to their value on the basis of values and prices ruling on the date of commencement of the insurance or on the date on which the damage or loss occurred whichever is less together with details of any other insurances on the property insured. The Insured shall also give to the Government Agent all such proofs and information with respect to the claim as may reasonably be required, together with (if demanded) a declaration, verified by an affidavit, of the truth of the claim and of any matters connected therewith. No claim under the policy shall be payable unless the terms of this condition have been complied with.

5. If the claim be in any respect fraudulent, or if any fraudulent means or devices be used by the Insured or anyone acting on his behalf to obtain any benefit under this policy, or if any loss or damage be occasioned by the wilful act or with the connivance of the Insured all benefits under the policy shall be forfeited.

Provided that the benefits under the policy shall not be forfeited even though the loss or damage is occasioned by the wilful act and with the connivance of the Insured, where the wilful act is done under orders of proper authority or where the Insured permits certain measures to be taken under orders of proper authority.



5A. If the owner or occupier of a factory as the case may be, shall fail to comply with all regulations or instructions made or issued under the authority of Government for safeguarding the property against damage from War Risks, all benefits under the policy shall be forfeited.

6. If in his application for the insurance effected by the policy, the Insured shall have intentionally made a material mis-statement of the value of the property insured all benefits under the policy shall be forfeited.

7. If the Governor General elects to pay eighty per cent of the cost of restoring any property insured, the Insured shall at his own expense produce and give to the Governor General all such plans, documents, books and information as the Governor General may reasonably require. The Governor General shall not be bound to pay the cost of exact or complete restoration but only of such restoration as circumstances permit and as is reasonably sufficient and shall not in any case be bound to expend in respect of the property insured more than eighty per cent of the sum insured thereon.

7A. If the Governor General elects to pay eighty per cent. of the cost of restoring the property insured, the owner of the factory shall, if so required by the Governor General, reconstruct the factory or remove the factory to and reconstruct it in such other locality as may be specified by the Governor General. In which case the insured shall be compensated for the cost of moving and if necessary replacing such part of the property not affected by the loss or damage.

8. On the happening of any loss or damage in respect of which a claim is or may be made under the policy, the Government Agent and every person authorised by the Government Agent, may, without thereby incurring any liability, and without diminishing the right of the Governor General to rely upon any conditions of the policy, enter, take or keep possession of the building or premises where the loss or damage has happened, and may take possession of or require to be delivered to them any of

the property insured, and may keep possession of and deal with such property for all reasonable purposes and in any reasonable manner. This condition shall be evidence of the leave and licence of the Insured to the Governor General so to do. If the Insured or any one acting on his behalf shall not comply with the requirements of the Governor General, or shall hinder or obstruct the Governor General or any person acting on his behalf in doing any of the above mentioned acts, then all benefits under this policy shall be forfeited. The Insured shall not in any case be entitled to abandon any property to the Governor General whether taken possession of by the Governor General or not.

9. The Insured shall at the request and expense of the Governor General do and concur in doing and permit to be done all such acts and things as may be reasonably required for the purpose of enforcing any rights and remedies to which the Governor General is or would become entitled or subrogated upon paying for or making good any damage, whether such acts and things shall be required before or after indemnification by the Governor General.

10. In the event of a transfer of interest, this policy may be assigned but such assignment shall not effect until notice of assignment has been given to the Governor General.

11. The following condition may be included in the policy at the request of the Insured :—

“It is hereby agreed and declared that..... being persons having an interest in the property insured, shall, to the extent of their interest in the property insured, be entitled jointly with the Insured to the rights hereby granted to the Insured, but not so as to grant to them any further or greater rights than those of the Insured under this policy.”

12. The liability of the Governor General under the policy shall not exceed in the aggregate eighty per cent.

happening of any loss or damage the said sum shall be of the sum thereby insured, and accordingly after the deemed to be reduced by the amount of that loss or damage, the liability of the Governor General being limited to eighty per cent. of the reduced sum.

13. The insured shall bear, in respect of each claim, 20 per cent of the loss or damage or such sum as be specified for the time being in the W.R.I. (Factories) Insurance Rules whichever is greater.

14. The Insured shall at all times take due precautions for the safety of the property insured having regard to the nature thereof, and in particular if at any time any property insured sustains war damage, the Insured shall take all reasonable steps to preserve the property insured from damage or further damage as the case may be.

15. The amount which the Insured may provide for depreciation and which may be entered in the annual accounts of the Insured shall not be taken as final and conclusive as against either Insurer or Insured in settling any loss which may occur.

16. Except as otherwise provided by the War Risks (Factories) Insurance Rules, the insured shall not be relieved from liability to pay subsequent instalments of premium by reason of the property having been damaged or destroyed, or by reason of the hostilities having ceased before the expiry of the period of insurance, or for any other reason whatsoever. The Governor General shall have the right to deduct from the amount of compensation payable in respect of any claim on account of loss or damage suffered by the whole or any part of the property insured a sum equal to the amount of instalments of the premium remaining unpaid on the date on which compensation is paid by the Governor General.

17. No refund of premium shall be allowed in respect of any policy issued under the Scheme, except as provided in the War Risks (Factories) Insurance Rules.

18. If any instalment of premium in respect of a policy issued under the Scheme is not paid by the date on which the instalment is due, all benefits under the policy

shall be suspended, provided that if the instalment is subsequently paid the Governor General shall revive the benefits but may do so either from the date on which the original default was made or from the date on which the payment was subsequently made.

19. The following condition shall apply, to every policy of insurance in respect of property situate in the Indian States, the Administered Areas or the French Establishments in India :—

“It is hereby agreed, and declared that this policy shall be deemed to be made in British India, that the claims under this policy shall be settled in British India and that the insured will submit to the jurisdiction of courts in British India for all matters arising out of or in connection with this policy.”

[Forms for transfer or assignment can be obtained from Government Agents.]

### THIRD SCHEDULE.

#### PART A.

[See Rule 8 (1)]

#### Form of Application

Important:—Before completing this application form, read the instructions overleaf.

### GOVERNMENT OF INDIA.

#### War Risks (Factories) Insurance Ordinance, 1942.

Application for insurance of property insurable thereunder

Applicant's Name

Address

Business

Description and situation of property to be insured.

Are the premises a factory as defined in Section 2 (j) of the Factories Act, 1934?

If not, (a) have they been so subsequent to the 31st December 1938?

(b) and if they are in course of construction, will they be so when completed?

Are the premises the subject of a notification or an order under section 16 (1) of the Ordinance? If so state number and date of order or notification....s:.....

Date on which property to be insured became insurable.

In cases of property specified in section 16 or situate in an excluded or partially excluded area or in any of the territories referred to in section 17, state when property came into existence.

What is the nature of your interest in the property to be insured?

► If you are the occupier of the factory within the meaning of Section 2(1) of the Factories Act, 1934 or of the mine within the meaning of section 16(2) of the ordinance but do not own the property, the following should be answered:

- (a) Name and address of owner
- (b) Have you been requested by the owner to effect this insurance on his behalf?
- (c) If not, are you aware whether the owner is also applying for insurance?

Description of property to be insured

Are the Buildings, Plant, Machinery and materials of property to be insured against Fire Risks?

If so, state (a) Name of insurance company

(b) Totals on (i) the Building Rs.

(ii) the Plant, Machinery and materials  
Rs.

#### Insurable value.

What was the value (i.e., after making allowance for depreciation) on the date of this application, of :—

were under or over a certain age, be an offence punishable under this Act, and such person is in the opinion of the Court apparently under or over such age, the burden shall be on the accused to prove that such person is not under or over such age.

(2) A declaration in writing by a certifying surgeon relating to a worker that he has personally examined him and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of the worker.

#### **Cognizance of offences.**

74. (1) No prosecution under this Act, except a prosecution under Section 66, shall be instituted except by or with the previous sanction of the Inspector.

(2) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the first class shall try any offence against this Act or any rule or order made thereunder, other than an offence under Section 66 or Section 67.

#### **Limitation of prosecutions.**

75. No Court shall take cognizance of any offence under this Act or any rule or order thereunder, other than an offence under Section 62 or Section 64, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed :

Provided that when the offence consists of disobeying a written order made by an Inspector, complaint thereof may be made within twelve months of the date on which the offence is alleged to have been committed.

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## **CHAPTER VII.**

### **SUPPLEMENTAL**

#### **Display of factory notices.**

76. (1) In addition to the notices required to be displayed in any factory by this Act or the rules made thereunder, there shall be displayed in every factory a notice containing such abstracts of this Act and of the rules made

(a) the Building? Rs. .

(b) the Plant, Machinery and materials? Rs.

In the case of property under construction (first application), what is the estimated value on the last day of the Quarter/Period in which the insurance is effected, of

(a) the Building? Rs.

(b) the Plant, Machinery and materials? Rs.

Subsequent applications to be made on an Application Form for Supplementary Policies.

SEPARATE AMOUNTS MUST BE DECLARED AS BETWEEN (a) AND (b) BUT SEPARATE AMOUNTS NEED NOT BE DECLARED AGAINST EACH BLOCK. IN THE EVENT OF A CLAIM HOWEVER THE CLAIMANT MAY BE CALLED UPON TO SHOW IN DETAIL HOW THE VALUATION HAS BEEN MADE UP.

Has any other person any insurable interest in the property to be insured?

If so, give particulars

Date from which insurance is to commence . .

To: (Here insert name of Insurance Company through whom insurance is to be effected).

I/We warrant that the above statements and particulars are true and I/we request you to effect War Risks (Factories) Insurance on my/our behalf with the Government of India in terms of the prescribed standard policy which I/we agree to accept.

I/We further agree that this application shall be the basis of the contract between the Governor General and myself/ourselves.

I/We enclose bank draft/cheque/money order/postal order/cash value Rs.

Signature of applicant

Date

Note.—Cheques on out-station banks should include bank exchange.

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## PART B.

Form of Application for a Supplementary Policy  
GOVERNMENT OF INDIA.WAR RISKS (FACTORIES) INSURANCE  
ORDINANCE, 1942.

## Application for supplementary insurance.

Applicant's Name.

Address

Description and situation of property to be insured.

Name of Government Agent who issued the original policy

Number of the original policy

Amounts insured by the original policy on

(a) the Buildings Rs.

(b) the Plant and Machinery Rs.

Total Rs.

Description of the property to be insured.

Additional amounts for which insurance is now to be effected on

(a) the Buildings Rs.

(b) the Plant and Machinery Rs.

Total Rs.

Reasons for making this application

Has any other person any insurable interest in the property to be insured?

If so, give particulars

Date from which insurance is to commence

To: (Here insert name of Insurance Company through whom insurance is to be effected.)

I/We warrant that the above statements and particulars are true and I/we request you to effect War Risks (Factories) Insurance on my/our behalf with the Govern-



ment of India in terms of the prescribed standard policy which I/we agree to accept.

I/We further agree that this application shall be the basis of the contract between the Governor General and myself/ourselves.

I/We enclose bank draft/cheque/money order/postal order/cash value Rs.

Signature of applicant

Date

Note.—Cheques on out-station banks should include bank exchange.

#### FOURTH SCHEDULE.

(See Rule 14.)

GOVERNMENT OF INDIA. ....

#### WAR RISKS (FACTORIES) INSURANCE ORDINANCE, 1942.

##### Statement of claims thereunder.

Through.....Insurance Company,  
.....Government Agents,

at.....

and the Accountant General, .....

I/We.....  
of (address).....

do hereby solemnly declare that on or about  
o'clock a.m./p.m. Indian Standard Time on the .....

day of ..... 19 property owned by me/us  
occupied by me/us  
in which I/we have an interest

which was insured under the policy or policies detailed in Schedule "A" annexed hereto, was destroyed or damaged by an act comprised in the expression "war risks" as defined by the War Risks (Factories) Insurance Rules and as shown in Schedule "B" attached hereto. The actual de-

## LABOUR AND FACTORY LEGISLATION

tails of the act (manner in which the damage occurred)  
are given below :—

.....

.....

I/We further solemnly declare that at the time of the  
said loss or damage the actual value, after making due al-  
lowance for any depreciation, of the property

owned by me/us

occupied by me/us

in which I/we have an interest

as described in the said policy or policies amounted to Rs.....  
as more particularly set forth in the annexed Schedule  
"C", and that apart from myself/ourselves no person other  
than.....  
has any interest in the said property.

\*My/Our interest in the property is.....

I/We therefore claim from the Government of India,  
the sum of Rs. ....as detailed in Schedule "D"  
annexed hereto and I/we solemnly declare that this State-  
ment of Claims is a true and accurate statement of the  
loss sustained by me/us.

Declared before me this .....day of ..... 19.....

Signed .....

.....

.....

Court Seal.

\*This portion may be struck out where the property is either owned  
or occupied by the claimant/claimants.

MAGISTRATE.

## SCHEDULE "A"

Statement of Policies in force on the date of loss or damage

(1) Policy No.	(2) Issued through (Government Agent).	(3) Date of issue.	(4) Sum insured	(5) The property insured as described in policy.

## SCHEDULE "B"

Definition of the expression "War Risks."

"For the purposes of the Ordinance and these Rules the following risks shall be war risks, namely the risks of—

- (1) (a) damage occurring (whether accidentally or, not) as the direct result of action taken by the enemy, or action taken in combating the enemy or in repelling an imagined attack by the enemy;
- (b) damage occurring (whether accidentally or not) as the direct result of measures taken under proper authority to avoid the spreading of, or otherwise to mitigate, the consequences of such damage as aforesaid;
- (c) accidental damage occurring as the direct result—
  - (i) of any precautionary or preparatory measures taken under proper authority with a view to preventing or hindering the carrying out of any attack by the enemy; or
  - (ii) of precautionary or preparatory measures involving the doing of work on land and taken under proper authority in any way in anticipation of enemy action, being, in either case, measures involving a substantial degree of risk to property:

## LABOUR AND FACTORY LEGISLATION

(d) damage occurring (whether accidentally or not) as the direct result of precautionary or preparatory measures taken under proper authority with a view to denying of facilities to an enemy, being measures involving damage to or diminution of the value of property.

Provided that the measures mentioned in sub-clause (c) do not include the imposing of restrictions on the display of lights or measures taken for training purposes.

(2) Such action against the enemy as is referred to in sub-clause (a) of clause (1)—

(a) shall, in relation to any ship or aircraft taking part in such action, be deemed to continue until the ship or aircraft has returned to its base;

(b) includes naval, military or air reconnaissances and patrols."

## ASSESSOR'S CERTIFICATE

I/We .....  
being Assessor/s duly appointed under Rule 14(2) of the War Risks (Factories) Insurance Rules certify that from a careful examination carried out by me/us of the scene of loss or damage and from the production of books, documents, invoices and other evidence have satisfied myself/ourselves that the factory was fully insured at the time of the loss or damage, that the Claimant/s was/were the sole owner/s  
the occupier/occupiers

a person/persons having the interest mentioned in his/their Statement of Claims

of the property lost or damaged with the exception of the interests noted in the Statement of Claims and that the Statement of Claims as detailed herein (\*and in our report attached) is a true and proper statement of the actual loss sustained by the insured as the direct result of War Risks only.

Time taken on assessment.....  
Fees Rs.....  
Date.....  
Signature of Loss Assessor.....  
Address.....

# RECOMMENDATION OF GOVERNMENT AGENT.

We certify that the claim detailed in this Statement of Claims was received by us in accordance with condition of the Insurance Policy, that the Statement of Insurance in force contained in the Schedule "A" is a correct statement and (\*except as stated in the attached report) we recommend that the sum of Rupees ..... be paid in full and final settlement of the loss and that the sum of Rupees..... be paid to the Assessor in respect of his fee and expenses.

Signature of Government Agent.....

Date.....

Note:—Where Policies have been issued by more than one Government Agent, this recommendation must be signed by all Government Agents concerned.

## ACCOUNTANT GENERAL'S CERTIFICATE.

I certify that the details in Schedule "A" have been verified and that the policy in question was issued on payment of the proper premium which was duly credited to the Government.

Signature of Accountant General.....

Date.....

## GOVERNMENT ORDERS FOR DISPOSAL.

.....  
 .....  
 .....

\* Delete and initial if no separate report.

## SCHEDULE "C"

Statement of all property insurable under the Ordinance.

(1) Description of property, section or block and purpose for which used.	(2) Basic Value. (See N.B. below).	(3) Deprecia- tion.	(4) Value after deduction of depreciation.

*N. B.*—The valuation of the buildings, plant, machinery and materials must be based upon the actual value at the date on which the application for insurance was made less due allowance for any depreciation or upon the actual value less due allowance for any depreciation at the time of the loss or damage whichever is less. In the case of works in course of construction the actual value less due allowance for any depreciation at the time of the loss or damage is to be the basis of the assessment.

## SCHEDULE "D"

\*Statement of loss or damage.

(1) Description of property, section, block and purpose for which occupied.	(2) Actual value after dedu- ction of depreciation.	(3) Value of Salvage.	(4) Actual loss.
Total ...			
Less 20% or the sum specified in the W. R. (F) Insurance Rule whichever is greater.			
Amount of Claim			

\*Separate for Buildings and Plant, Machinery and Materials.

FIFTH SCHEDULE.

(See Rule 16).

Account of sums received into and paid out of the War Risks (Factories) Insurance Fund during the year ending 194 .

	Receipts.			Expenditure.	
	Amount.	Progress of receipts upto the end of		Amount.	Progress of expenditure upto the end of
	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.
1. Insurance Premia.			1. Remuneration and expenses of Government Agents, Insurance Associations and Advisers and cost of forms.		
			2. Expenses of the Government Inspecting staff appointed under Section 8 (1) and of the additional staff employed to cope with the work at the headquarters of the Central Government.		
2. Advances from General Revenues under section 7 (2).			3. Expenses of the additional staff employed to scope with the audit and accounting arrangements.		
			4. Miscellaneous.		
			5. Payments of liabilities under the War Risks (Factories) Insurance Scheme and remuneration and expenses of Loss. Assessors appointed under Rule 14(2).		

## FIFTH SCHEDULE—contd.

	Receipts.			Expenditure.	
	Amount.	Progress of receipts upto the end of		Amount.	Progress of expenditure upto the end of
2. Advances from General Revenues under section 7 (2).	Rs. a. p.	Rs. a. p.	6. Payments under section 9 where a factory is required to be removed to and reconstructed in another locality.	Rs. a. p.	Rs. a. p.
			7. Refunds of premium under Rule 15.		
			8. Repayments of advances made under section 7(2).		
			9. Excess sums paid into general revenues under section 7 (3).		
3. Miscellaneous.					
Total ...			Total ...		



thereunder, in English and in vernacular of the majority of the workers as the [Provincial Government]<sup>1</sup> may prescribe.

(2) All notices required to be displayed in a factory shall be displayed at some conspicuous place at or near the main entrance to the factory and shall be maintained in a clean and legible condition.

#### **Power of Provincial Governments to make rules.**

77. The [Provincial Government]<sup>2</sup> may make rules requiring occupiers or managers of factories to submit such returns, occasional or periodical, as may in [its]<sup>3</sup> opinion be required for the purposes of this Act.

78. *[Control of rules made by Local Governments] Omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.*

#### **Publication of rules.**

79. (1) All rules made under this Act shall be subject to the condition of previous publication, and the date to be specified under clause (3) if Section 23 of the General Clauses Act, 1897 (X of 1897), shall not be less than three months from the date on which the draft of the proposed rules was published.

(2) All such rules shall be published in <sup>4</sup>\*\*\* the <sup>5</sup>[Official Gazette]<sup>6</sup> and shall, unless some later date is appointed, come into force on the date of such publication.

#### **Application to Crown factories.**

80. This Act shall apply to factories belonging to the Crown.

#### **Protection to persons acting under this Act.**

81. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

1 These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

2 These words were substituted for the words "Governor-General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

3 This word was substituted for the word "his" *ibid.*

4 The words "the Gazette of India or," were omitted, *ibid.*

5 These words were substituted for the words "Local Official Gazette," *ibid.*

6 The words "as the case may be" were omitted, *ibid.*

SIXTH SCHEDULE.



Government of India.

WAR RISKS (FACTORIES) INSURANCE

ORDINANCE, 1942.

Receipt of Claims.

Loss No. ....

Received this..... day of.....194 from  
the Government of India the sum of Rupees.....  
.....

in full discharge of all claims upon them under the Policy  
No..... issued through.....Govern-  
ment Agents under the War Risks (Factories) Insurance  
Ordinance, 1942, for loss or damage, arising from War  
Risks as defined in the said Ordinance, which occurred on  
the.....day of..... 194 , in consequence  
of which the amount insured by this Policy is reduced to  
the extent of the said loss or damage,

Rs.....

Signature of Recipient.....

Stamp

## SEVENTH SCHEDULE

(See Rules 11 and 20)

Where the Special Officer, War Risks Insurance, has reason to believe that the owner or occupier of any property insurable under the War Risks (Factories) Insurance Ordinance, 1942 (No. XII of 1942), and situate within the area over which he is authorised to act, has failed to ensure as, or to the full amount, required by the Ordinance, and has thereby evaded the payment by way of premium of any money which he would have had to pay but for such failure, the Special Officer may serve on such owner or occupier a notice requiring him (1) to show cause on a date and at the time and place specified in this behalf why he failed to insure the factory as, or to the full amount, required by the Ordinance, and further (2) to produce before the Special Officer on such date any document or other evidence in support of his case.

2. Upon cause being shown and after giving the defaulter an opportunity of being heard in support of the cause, the Special Officer shall record his opinion on the insurable value of the property in accordance with rule 7 of the War Risks (Factories) Insurance Rules, 1942 and shall, by an order in writing, determine on the basis of such value the amount of premium, if any, payment of which has been evaded by the defaulter. In doing so, the Special Officer shall take into consideration such information as he may have received in accordance with section 8 of the War Risks (Factories) Insurance Ordinance after giving the defaulter an opportunity to explain the same.

3. If an owner or occupier fails to show cause against a notice issued under paragraph 1 the Special Officer shall make assessment to the best of his judgment and determine on the basis of such assessment the amount of premium payment of which has been evaded by the defaulter.

4. When any sum has been determined in accordance with paragraph 2 or 3 the Special Officer shall send to the defaulter a copy of his recorded opinion, duly certified by him, and serve on him a notice of demand specifying (1)

the amount payable by him, (2) the date within which it shall be paid and (3) the Government Agent to whom it shall be paid.

5. Any person against whom a determination is made in accordance with paragraph 2 or 3 may appeal to the Government of India in the Department of Commerce within thirty days of the date of receipt of the notice of demand.

6. Where a determination is made against more persons than one in respect of the same factory every person preferring an appeal shall do so separately and in his own name.

7. An appeal under paragraph 5 or 6 above shall contain all material statements and arguments relied on by the appellant and shall be accompanied by a copy of the notice of demand served upon the appellant. It must be preferred through the authority against whose order the appeal is preferred.

8. The appellate authority shall consider—  
(a) whether the facts on which the notice of demand was based have been established, and  
(b) whether the sum determined as payable is excessive, adequate or inadequate,

and after such consideration shall pass such order as it thinks proper. But no order enhancing the amount determined as payable by the appellant shall be passed without first communicating to him the grounds on which such order is proposed to be passed and giving him an opportunity to show cause against the same. The appellant shall have no right to appear in person before the appellate authority.

## WAR RISKS (FACTORIES) INSURANCE ORDINANCE, 1942.

### Instructions,

1. The Government of India have put into operation as from 1st April, 1942 the War Risks (Factories) Insurance-

## LABOUR AND FACTORY LEGISLATION

ance Scheme whereby the Government undertake to insure against War Risks the buildings, plant and machinery of factories as described in paragraph 2 hereof. The Scheme has also been extended to make insurable certain materials of factories.

It is a condition of the Scheme that the Insured shall bear in respect of each claim 20 per cent of the loss or damage or such sum as is specified in the War Risks (Factories) Insurance Rules.

Premises to which the Scheme applies.

2. For the purposes of the Scheme "factory" means any premises which are so defined in Clause (j) of Section 2 of the Factories Act, 1934 (XXV of 1934) and any premises so defined since 31st December, 1938 unless specially exempted by Government and premises in course of erection which when complete and working will be factories within the meaning of Section 2 (j). The Government may extend the Scheme to apply to certain properties of mines, gas or electricity supply undertakings and under certain circumstances to factories situated in certain Indian States, the Administered Areas or the French Establishments in India.

**Property insurable.**

3. The buildings, plant and machinery of the property to be insured.

The buildings to be insured include all the buildings comprised within the factory as defined in Section 2(j) of the Factories Act, 1934, and other buildings (including residential buildings for staff and workmen, hospitals and welfare centres) within a radius of 2 miles of the Factory which are in the same ownership or occupation as the factory and are used for the purposes of the factory.

The term buildings includes, foundations, plinths, floors, staircases, tanks, engine and boiler beds, chimneys, flues and boundary walls.

**Property not insurable.**

4. Any property so declared by Government and premises whereof only a part is subject to the Factories Act,

1934, and that part is ancillary to the main purpose of the premises, e.g., a laundry or a bakery forming part of an hotel or a furniture workshop or a printing press forming part of a departmental store.

**Compulsory insurance.**

5. Before the 29th May, 1942, every owner of a building, plant or machinery of a factory must take out a policy under the Scheme insuring such property against war risks with retrospective effect from the 1st April 1942. Where the owner and the occupier are different persons and the former does not insure, the responsibility shall rest on the occupier who shall effect a policy as agent of the owner. The occupier of a factory is the person who has ultimate control over the affairs of the factory.

**Sum for which insurance is to be effected.**

6. (a) in respect of property in existence on inauguration of the Scheme the actual value, i.e., after making due allowance for depreciation on the date of the application.
- (b) in the case of property under construction the estimated value on the last day of the Quarter or period referred to in paragraph 10 in which the insurance is effected.
- (c) in other cases the actual value, i.e., after making due allowance for depreciation at the date on which the scheme becomes applicable to the property.

In all cases plant and machinery must be valued as part of going concern and not at its scrap value.

**How to insure.**

7. The application form should be completed in duplicate and forwarded with a remittance for first instalment of the premium to a Government Agent.

Applications for supplementary insurance must be made in duplicate on a separate form to be obtained from the Government Agent who issued the original policy.

**Government Agents.**

8. The Government of India have appointed certain Insurance Companies to act as Government Agents and issue policies under the Scheme. If the property is insured against Fire with an Insurance Company it is recommended that the War Risks (Factories) Insurance should be arranged through that Company. If this is not done there may be considerable delay in obtaining cover.

**Period of Insurance.**

9. All policies issued at the inauguration of the scheme will provide cover for 2 years from 1st April 1942; all policies taken out thereafter will expire on the 31st March 1944, and no policy will be issued to expire on any intermediate date.

**Rate of Premium.**

10. The rate of premium is 4 per cent. for the period, and the premium is payable in eight equal instalments of  $\frac{1}{2}$  per cent, as under:—

<i>Last date for payment of instalments.</i>	<i>Relative Quarter or period.</i>
1st Instalment 29th May 1942	Period ending 31st May 1942
2nd Instalment 1st June 1942	Quarter ending 31st August 1942
3rd Instalment 1st September 1942	" " 30th November 1942
4th Instalment 1st December 1942	" " 28th February 1943
5th Instalment 1st March 1943	" " 31st May 1943
6th Instalment 1st June 1943	" " 31st August 1943
7th Instalment 1st September 1943	" " 30th November 1943
8th Instalment 1st December 1943	Period " 31st March 1944

But in respect of property insurable by virtue of notifications under section 16 or 17 the instalments are payable as under:—

<i>Last date for payment of instalment.</i>	<i>Relative Quarter or period.</i>
1st Instalment 31st August 1942	Period ending 31st August 1942
2nd Instalment 1st September 1942	Quarter ending 30th November 1942
3rd Instalment 1st December 1942	Quarter ending 28th February 1943
4th Instalment 1st March 1943	Quarter ending 31st May 1943
5th Instalment 1st June 1943	Quarter ending 31st August 1943
6th Instalment 1st September 1943	Quarter ending 30th November 1943
7th Instalment 1st December 1943	Quarter ending 29th February 1944
8th Instalment 1st March 1944	Period ending 31st March 1944

Where property becomes insurable after inauguration of the Scheme, payment of the premium shall commence

with the instalment due' for the quarter or period during which insurance becomes compulsory.

**Rate of Premium for the year ending 31st March 1945.**

110-A. The rate of premium for the year ending 31st March 1945, is one per cent, and the premium is payable in four equal instalments of  $\frac{1}{4}$  per cent, as under:—

<i>Last date for payment of instalment.</i>	<i>Relative quarter or period.</i>
1st Instalment 1st April 1944 ...	Period ending 31st May 1944
2nd Instalment 1st June 1944 ...	Quarter ending 1st August 1944
3rd Instalment 1st September 1944 ...	Quarter ending 30th November 1944
4th Instalment 1st December 1944 ...	Period ending 31st March 1945

11. The Ordinance prescribes heavy fines for failure to insure or failure to pay any instalment of the premium by due date.

12. Full conditions to which the policy will be subject have been published in the Gazette.

NOTE: Transfer of interest.

Policies may be assigned and a special form for use in that event is obtainable from your Government Agent.

## NOTIFICATIONS

### FACTORIES NOT INSURABLE.

Notification No. 1-W.R.I. (F)/42, dated the 18th April 1942.

In exercise of the powers conferred by section 14 of the War Risks (Factories) Insurance Ordinance, 1942 (No. XII of 1942), the Central Government is pleased to exempt from the provisions of section 5 of the said Ordinance—

- (i) any premises including the precincts thereof which have at any time after the 31st day of December 1938 been a factory as defined in clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934) and which have been dismantled, and
- (ii) any premises including the precincts thereof which are in part a factory and in part used for

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1 Added vide G. of B. Gaz. Part IVC p. 202 of 6-1-44.



## LABOUR AND FACTORY LEGISLATION

the purposes of another trade or business, the number of workers ordinarily working on the factory part of the premises being less than one-fifth of the number of persons employed on the other part of the premises for the purposes of the other trade or business.

2. This notification extends to the whole of British India including those excluded and partially excluded areas to which the War Risks (Factories) Insurance (No. XII of 1942) has been, or may hereafter be, applied by notification under sub-section (1) of section 92 of the Government of India Act, 1935.

**List showing the names and addresses of Special Officers, War Risks Insurance.**

1. Khan Bahadur M. Kazem Ali Ansari Saheb Bahadur, Lloyds Road, Royapettah, Madras.
2. Mr. M. L. Tannan, I.E.S. (Retd.), Third Floor, Haroon House (Behind Reserve Bank of India), off Sir Phipposhah Mehta Road, Fort, Bombay.
3. Rai Bahadur S. P. Ghosh, I.S.O., 164-C, Bakul Baggan Road, Calcutta.
4. Rai Bahadur Pushkar Thakur, 10, Serpentine Road, Patna, Bihar.
5. Mr. K. N. Dave, Ground Floor, Assembly Building, Nagpur, C.P.
6. Mr. Jafar Hasan Zaibi, 2, Quinton Road, Lalbagh, Lucknow, U.P.
7. Khan Bahadur Mirza Abdul Rab, M.A., opposite Victoria Girls' School, Bhati Gate, Lahore, Punjab.
8. Khan Bahadur N. A. Nana Ghulamally, Windsor Place, Cincinnati Town, Saddar, Karachi (Sind).
9. Khan Sahib M. Fazle Mahmood Khan, Bassat Gul Hassan, Peshawar City, N.-W.F.P.
10. Mr. Kaliram Medhi, Gauhati, Assam.

## GOVERNMENT OF INDIA

## Department of Commerce

## NOTIFICATION.

## GOVERNMENT AGENTS.

Notification No. 4-W.R.I. (F)/42, dated the 2nd May 1942.

It is hereby notified for general information that in pursuance of Section 4 of the War Risks (Factories) Insurance Ordinance, 1942 (No. XII. of 1942), the Central Government has been pleased to employ as its agents for the purposes of the said Ordinance all the firms which are for the time being employed by the Central Government as its agents for the purposes of the War Risks (Goods) Ordinance, 1940 (No. IX of 1940).

2. This notification extends to the whole of British India including those excluded and partially excluded areas to which the War Risks (Factories) Insurance Ordinance, 1942 (XII of 1942), has been, or may hereafter be, applied by notification under sub-section (1) of section 92 of the Government of India Act, 1935.

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War Risks Insurance.

New Delhi, the 29th May 1942.

(See Rule 6).

No. 15-W.R.I.(F)/42: In pursuance of sub-rule (2) of rule 6 of the War Risks (Factories) Insurance Rules, 1942, the Central Government is pleased to direct that the premium payable under any policy of insurance issued under the War Risks (Factories) Insurance Scheme in respect of property which on the 29th May 1942 was not insurable under the Scheme shall be payable at the rate and in the manner hereinafter prescribed.

Period during which the property becomes insurable under the Scheme.	Rate of premium.	Number of instalments in which the premium is payable.
30th May 1942 to 31st August 1942 ...	3½ per cent. of the insurable value of the property.	7
1st September 1942 to 30th November 1942	3 " "	6
1st December 1942 to 28th February 1943	2½ " "	5
1st March 1943 to 31st May 1943 ...	2 " "	4
1st June 1943 to 31st August 1943 ...	1½ " "	3
1st September 1943 to 30th November 1943	1 " "	2
1st December 1943 to 31st March 1944 ...	½ " "	1

The instalments shall be equal in value and—

- (a) where the application for insurance is made before the end of the period (as specified above) in which the property becomes insurable under the scheme, the first instalment shall be payable along with the application and the remaining instalments, if any, shall be payable on or before the first day of each succeeding period ;
- (b) where the application for insurance is made on a date later than the last day of the period in which the property becomes insurable under the scheme, it shall be accompanied by all the instalments that would have been payable by the date on which the application is made under the preceding clause if the application had been made before the last day of the period in which the property becomes so insurable, and the remaining instalments, if any, shall be payable on or before the first day of each succeeding period.

Provided that if the property comprised in any of the properties specified in section 16 or situate in an excluded or partially excluded area or in any of the territories referred to in section 17 comes into existence after the 29th May 1942 but becomes insurable under the Scheme on a date later than the date on which it comes into existence

82. [*Repeal and Savings.*] *Repealed by s. 3 and Second Schedule of the Repealing and Amending Act, 1937 (XX of 1937).*

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### (THE SCHEDULE)

*(Enactments Repealed).* *Repealed by s. 3 and Second Schedule of the Repealing and Amending Act, 1937 (XX of 1937).*

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The following amendments to the Factories Act 1934, are proposed and circulated for information. (Vide G. of B. Lab. Gazette P. 1014-1016 of June 1942), but have not yet been incorporated.

#### DRAFT AMENDMENTS TO FACTORIES ACT, 1934

Whereas it is expedient to amend the Factories Act, 1934, (XXV of 1934) for the purpose of securing holidays with pay for workers in non-seasonal factories :—

It is hereby enacted as follows :—

##### Short title

1. This Act may be called the Factories (Amendment) Act, 1942.

##### Insertion of new Chapter in Act XXV of 1934

2. After Chapter IV of the Factories Act, 1934 (XXV of 1934). (hereinafter referred to as the said Act), the following Chapter shall be inserted, viz.,

#### CHAPTER IV A

#### HOLIDAYS WITH PAY

##### 49-A. Application of Chapter IV A

The provisions of this Chapter shall not apply to a seasonal factory.

##### 49-B. Annual Holidays

1. Every workman who has completed one year of service in a factory shall be allowed in each year, holidays with pay for a period of at least seven consecutive days.

##### Explanations

A workman shall be deemed to have completed a year of service in a factory notwithstanding any interruption in service during the course of the year, caused by sickness, accident or authorised leave or by intermittent involuntary unemployment for a period not exceeding in the aggregate one month.

## LABOUR AND FACTORY LEGISLATION

the premium payable under any policy of insurance issued in respect of such property shall be at the rate and in the manner prescribed above as if for the words "becomes insurable under the Scheme" and "becomes so insurable" wherever they occur in the table and clauses (a) and (b) the words "comes into existence" were substituted.

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### NOTIFICATION.

#### War Risks Insurance.

New Delhi, the 28th July 1942.

No. 30-W.R.I. (F) 42.—In pursuance of clause (a) of sub-section (1) of section 16 of the War Risks (Factories) Insurance Ordinance, 1942, (No. XII of 1942), the Central Government is pleased to declare that with effect from the 15th August 1942, the provisions of the said Ordinance and of the Scheme made thereunder shall apply to the insuring against war risks of the machinery above ground appertaining to mines, as defined in the Indian Mines Act, 1923.

New Delhi, the 20th March, 1944.

No. 7-W.R.I.(F)/44-D.—In pursuance of sub-rule (3) of rule 6 of the War Risks (Factories) Insurance Rules, 1942, the Central Government is pleased to direct that the premium payable in respect of the period from the 1st April 1944 to the 31st March 1945 under any policy of insurance issued under the War Risks (Factories) Insurance Scheme before the 1st April 1944 shall be one per cent. of the insurable value of the property calculated to the nearest anna on each complete sum of one hundred rupees and shall be paid in four equal instalments, namely :—

The first instalment shall be payable on or before the 1st April 1944 and the other three instalments shall be payable on or before the first day of each succeeding quarter: Provided that—

- (a) Where an application for insurance in respect of property which was insurable before the 1st April 1944 is made after that date but not later than the 31st May 1944, it shall be accompanied by the first instalment as well as all the instalments of premium that would have been payable in respect of the said property under sub-rule (1) or sub-rule (2), as the case may be, of rule 6 had the application been made not later than the appropriate date specified therein and the other three instalments shall be payable on or before the first day of each succeeding quarter ;
- (b) Where the application for insurance is made after the 31st May 1944, it shall be accompanied by all the instalments that would have been payable under clause (a) had the application been made not later than the 31st May 1944 and the remaining instalments shall be payable on or before the first day of each succeeding quarter.

New Delhi, the 8th April, 1944.

No. 10-W.R.I. (F)/44-D.—In pursuance of sub-rule (2) of rule 6 of the War Risks (Factories) Insurance Rules, 1942, the Central Government is pleased to direct that the premium payable under any policy of insurance issued under the War Risks (Factories) Insurance Scheme in respect of property which on the 31st March 1944 was not insurable under the Scheme shall be payable at the rate and in the manner hereinafter prescribed :

Period during which the property becomes insurable under the Scheme.	Rate of premium.	Number of instalments in which the premium is payable.
1st April 1944 to 31st May 1944	1 per cent. of the insurable value of the property.	4
1st June 1944 to 31st August 1944	$\frac{1}{3}$ ths per cent. of the insurable value of the property.	3
1st September 1944 to 30th November 1944	$\frac{1}{4}$ per cent. of the insurable value of the property.	2
1st December 1944 to 31st March 1945	$\frac{1}{4}$ th per cent. of the insurable value of the property.	1

The instalments shall be equal in value and—

- (a) where the application for insurance is made before the end of the period (as specified above) in which the property becomes insurable under the scheme, the first instalment shall be payable along with the application and the remaining instalments, if any, shall be payable on or before the first day of each succeeding period;
- (b) where the application for insurance is made on a date later than the last day of the period in which the property becomes insurable under the scheme, it shall be accompanied by all the instalments that would have been payable by the date on which the application is made under the preceding clause if the application had been made before the last day of the period in which the property becomes so insurable, and the remaining instalments, if any, shall be payable on or before the first day of each succeeding period.

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2. The weekly holidays allowed under the provisions of Sub-section (1) of Section 35 shall be included in the period of seven days specified in Sub-section (1).

#### **49-C. Rate of pay during holidays**

(1) A workman shall, during any holidays allowed to him under the provisions of Section 49-B, be paid at the rate of which he would have been paid had he remained at work.

(2) where the worker is paid on a piece rate basis, his rate of pay during such holidays shall be the ordinary rate of pay as fixed for that workman under Sub-section 47 for the purposes of that Section.

#### **49-D Payment at the commencement of holidays**

A worker who has been allowed holidays under the provisions of Section 49-B shall, at the commencement of the holidays, be paid half the total pay due for the period of holidays.

#### **49-E Conditions of holidays**

(1) A worker shall not undertake any work for remuneration during any holidays allowed to him under the provisions of Section 49-B.

(2) If any worker contravenes the provisions of Sub-section (1), he shall be punishable with a fine which may extend to Rs. 50, and the balance of pay due to him for the period of holidays, may, at the discretion of the Manager of the Factory be withheld.

(3) If a worker fails in any year to take the holidays allowed to him in that year under the provisions Section 49-B his right to those holidays shall lapse.

#### **49-F Compensatory holiday**

Where as a result of the passing of an order of exemption under Section 8 or Clause (a), (d), (e), (f), (g) or (h) of Sub-section 2 of Section 43 or Sub-section 2 of Section 44, a worker is deprived of the weekly holiday allowed by Sub-section (1) of Section 35, the Manager of a Factory shall provide for such worker a compensatory holiday to be given in such manner as may be prescribed.

#### **49-G Power to make rules**

The Provincial Government may make rules, prescribing the manner in which the compensatory holiday referred to in Section 49-F shall be provided and the providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

(3) Amendment of Section 60, Act XXV of 1934

In Section 60 of the said Act, (a) at the end of the Clause (f) the word "or" shall be added ;

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(b) after Clause (f) the following Clause shall be inserted viz.,  
(g) There is any contravention of Sections 49-B, 49-C, 49-D or 49-F or any rule made under Section 49-G.

(4) Amendment of Section 61, Act XXV of 1934

In Section 61 of said Act, for the brackets and letter "(f)" the brackets and letter "(g)" shall be substituted.

## The Factories Act 1934

### RULES AND NOTIFICATIONS

Bombay Castle, 18th November 1935.

No. 352/34. In exercise of the powers conferred by the Factories Act, 1934 (XXV of 1934), the Governor in Council is pleased to make the following rules the same having been previously published as required by section 79 of the said Act, namely,—

### RULES UNDER THE FACTORIES ACT, 1934

#### RULES

#### DEFINITIONS

##### Short Title

1. These rules may be cited as the Bombay Factories Rules, 1935.

##### Definitions

2. In these rules unless there is anything repugnant in the subject or context,—

(1) "The Act" means the Factories Act, 1934.

(2) "Appendix" means an appendix appended to these rules.

(3) "Artificial humidification" means humidification of the air of a room by any artificial means whatsoever except the use of gas or oil for lighting purposes, or the unavoidable escape of steam or water vapour into the atmosphere directly due to the treatment of fibre or fabric by water or steam in its passage through a machine :

Provided that the introduction of air directly from outside through moistened mats or screens placed in ventilation openings at times when the temperature of the room is 80 degrees or more, shall not be deemed to be artificial humidification.

(4) "Authorised medical practitioner" means a registered medical practitioner authorised under sub-section (2) of section 12 to exercise any of the powers of certifying surgeon.

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(5) "Commissioner of Labour" means the officer appointed to be the Commissioner of Labour.

(6) "Degrees (of temperature)" means degrees of the Fahrenheit scale.

(7) "District Magistrate" means in the case of the City of Bombay the Commissioner of Labour.

(8) "Form" means a form appended to these rules.

(9) "Hygrometer" means an accurate wet and dry bulb hygrometer conforming to the prescribed conditions as regards construction and maintenance.

(10) "Kata Thermometer" means an accurate instrument capable of measuring the cooling properties of the air in millicalories per square centimetre per second of the atmosphere by radiation, convection and evaporation, manufactured by James J. Hicks or such other firm manufacturing accurate instruments of this type to the satisfaction of the Chief Inspector.

(11) "Manager" means a manager of a factory.

(12) "Rules" means rules made under the Act.

(13) "Section" means a section of the Act.

(14) "Transmission machinery" includes every shaft, wheel, drum or pulley (including any system of fast and loose pulleys), coupling, clutch, strap, band, belt, chain, rope or other device incidental to the transmission of motion between any prime-mover and any machine or appliance, or by means of which, the machine or appliance receives its motion.

(15) Words and expressions not defined in these rules but defined or used in the Act shall be deemed to have the same meanings as in the Act.

#### (SECTION 9)

#### **Form of Notice to Inspector before Commencement of Work**

3. The written notice prescribed under sub-section (1) of section 9 shall be in Form A.

#### **INSPECTION**

#### (SECTIONS 10 AND 32)

#### **Duties of Inspector**

4. The Inspector shall inspect every factory other than a seasonal factory within the local limits assigned to him under sub-section (1) of section 10 at least twice yearly and every seasonal factory within such local limits at least once during each season of work. He shall also make such further inspections as may appear to be necessary to him or to the authority to whom he is subordinate in order that he may satisfy himself that the provisions of the Act and of these rules are duly observed.

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**Maintenance of Inspection Book**

5. The manager shall maintain a bound inspection book and shall produce it when so required by the Inspector or Certifying Surgeon. A list in Form B of the exemptions granted to the factory shall be posted in it.

**Duties of Inspector at Inspections**

6. (a) The Inspector shall at each inspection of a factory satisfy himself—

- (i) that the provisions made in the Act and rules to secure the health and safety of the workers are observed ;
- (ii) that the adolescents and children employed in the factory have been duly certified and that none are employed, who are obviously unfit ;
- (iii) that the register of all the persons employed in such factory is kept in Form D or D-1 as the case may be ;
- (iv) that the rest periods and the holidays provided by the Act are granted and that the limits of hours of work laid down are not exceeded ;
- (v) that the provisions relating to the payment of overtime are duly observed in the case of persons exempted from the provisions of section 34 or section 36 ;
- (vi) that the abstracts and notice in Forms C and C-1 required by sections 39 and 55 are duly affixed and that the registers required by these rules are properly maintained ;
- (b) the Inspector shall further inquire into the causes of all accidents which have taken place since the last inspection ; and
- (c) the Inspector shall also ascertain how far the defects pointed out at previous inspections have been removed and how far orders previously issued have been complied with. Any defects which have come to light at the current inspection, as well as any orders passed by him under the Act, shall then be recorded in the inspection book. An extract from such record containing the orders of the Inspector, with such remarks on the defects found to exist as the Inspector may wish to bring to the Manager's notice, shall be sent to the Manager, and a copy of the said extract shall be sent to the District Magistrate.

**Procedure for Inspection by District Magistrate or Additional Inspector**

7. When, in any area, an inspection is made by the District Magistrate or an Additional Inspector, he shall follow, as far as practicable, the procedure prescribed for an Inspector in rule 6



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and shall send a copy of his orders and remarks to the Inspector.

**Submission of Diary by Inspector**

8. The Inspector shall keep a file of the records of his inspections arranged in monthly bundles and shall submit to the authority to whom he is subordinate on the 15th day of each month, a diary in Form E, showing the work done in the preceding month. A copy of the said diary shall be retained by the Inspector.

**Duty of Inspector to bring to the notice of Local Authorities breaches of sanitary provisions**

9. It shall be the duty of the Inspector to bring to the notice of any municipal or other authority having jurisdiction over a place where any factory is situate a breach of any law, or rule or order passed by a competent authority relating to the removal of objectionable rubbish, the cleansing and fencing of water tanks or any sanitary matter.

**CLEANLINESS**

**(SECTIONS 13 AND 32)**

**Factory to be Kept Clean by Limewashing, etc.**

10. (1) In every factory, all the inside walls of the rooms and all the ceilings or tops of such rooms (whether such walls, ceilings or tops be plastered or not), and all the passages and staircases shall be lime-washed at least once in each year dating from the period when last lime-washed. All the beams, rafters, doors, window frames and other wood work with the exception of floors shall be either lime-washed or colour-washed at least once a year dating from the period when last lime-washed or colour-washed or shall be painted or varnished once in seven years dating from the period when last painted or varnished and shall be kept in a cleanly state.

(2) All internal structural iron and steel work shall be cleaned and painted or varnished at least once in seven years from the period when last painted or varnished unless the Inspector by written order requires more frequent treatment of specified portions. The dates on which lime-washing, colour-washing, painting or varnishing is carried out shall be duly entered in Form F, which shall be shown to the Inspector when required :

Provided that the provisions of these sub-rules shall not apply to—

- (i) rooms used only for the storage of articles ;
- (ii) walls or tops of rooms which are made of galvanised



- iron, tiles, asbestos sheets or similar material or glazed bricks ;
- (iii) room in which a manufacturing process is carried on in any gas works, forage presses, chemical works and cement factories ;
- (iv) engineering workshops or foundries in which 2,000 cubic feet of air space is provided for each person employed ;
- (v) walls in oil mills below a height of 5 feet from the ground ;
- (vi) any other factory or parts thereof in which lime-washing or painting is in the opinion of the Provincial Government unnecessary to satisfy the requirements of section 13 as to cleanliness.

**Rubbish not to be Allowed to Accumulate**

11. (1) No rubbish, filth, or debris shall be allowed to accumulate or to remain on any premises in a factory in such position that effluvia therefrom can arise within the factory.

(2) All ducts used for introduction of humidified air shall be kept clean whether they are actually in use for that purpose or not.

**Compound to be Kept Clean**

12. The compound surrounding every factory shall be maintained in a sanitary and clean condition.

**Floors of Certain Factories to be Drained**

13. In factories or portions of factories constructed or reconstructed after the 1st day of January 1936, the floors of departments, in which processes are carried on which render the floors wet, shall be effectively drained. In other factories such steps shall be taken to minimise the danger to health or safety as the Inspector may require by an order in writing.

**Areas Around Washing Places, etc., to be Drained and Kept Clean**

14. Proper arrangements shall be made for maintaining in a clean and drained condition the areas around washing and bathing places and the places where drinking water is distributed to workers.

**ARTIFICIAL HUMIDIFICATION AND COOLING**

**(SECTIONS 15 AND 32)**

**When Artificial Humidification not Allowed**

15. There shall be no artificial humidification in any room of a cotton spinning or weaving factory—

- (a) by the use of steam during any period when the dry bulb temperature of that room exceeds 85 degrees,
- (b) at any time when the wet bulb reading of the hygrometer is higher than that specified in the following schedule in relation to the dry bulb reading intermediate between any two dry bulb readings indicated consecutively in the schedule when the dry bulb reading does not exceed the wet bulb reading to the extent indicated in relation to the lower of these two dry bulb readings :

**SCHEDULE.**

<i>Dry bulb</i>	<i>Wet bulb</i>	<i>Dry bulb</i>	<i>Wet bulb</i>	<i>Dry bulb</i>	<i>Wet bulb</i>
60·0	58·0	77·0	75·0	94·0	86·5
61·0	59·0	78·0	76·0	95·0	87·0
62·0	60·0	79·0	77·0	96·0	87·5
63·0	61·0	80·0	78·0	97·0	88·0
64·0	62·0	81·0	79·0	98·0	88·5
65·0	63·0	82·0	80·0	99·0	89·0
66·0	64·0	83·0	80·5	100·0	89·5
67·0	65·0	84·0	81·0	101·0	90·0
68·0	66·0	85·0	82·0	102·0	90·0
69·0	67·0	86·0	82·5	103·0	90·5
70·0	68·0	87·0	83·0	104·0	90·5
71·0	69·0	88·0	83·5	105·0	91·0
72·0	70·0	89·0	84·0	106·0	91·0
73·0	71·0	90·0	84·5	107·0	91·5
74·0	72·0	91·0	85·0	108·0	91·5
75·0	73·0	92·0	85·5	109·0	92·0
76·0	74·0	93·0	86·0	110·0	92·0

Provided however that this clause shall not apply—

- (i) when the difference between the wet bulb temperature as indicated by the hygrometer in the department concerned, and the wet bulb temperature taken with a hygrometer inside in the shade is less than 3.5 degrees, or
- (ii) when the “cooling properties” of the air in the department concerned at a height of five feet from the floor in all usual working places is greater than 11 as measured by “wet” readings of a kata thermometer.

**Provision of Hygrometers**

16. In all departments of cotton spinning and weaving mills wherein artificial humidification is adopted, hygrometers shall be provided and maintained in such positions as are approved by the Inspector. The number of hygrometers shall be regulated according to the following scale :—

**Weaving Department**

- (a) One hygrometer for departments with less than 500 looms, and one additional hygrometer for every 500 or part of 500 looms in excess of 500.

**Other Departments**

- (b) One hygrometer for each room of less than 300,000 cubic feet capacity, and one extra hygrometer for each 200,000 cubic feet, or part thereof, in excess of this.
- (c) One additional hygrometer shall be provided and maintained outside each cotton spinning and weaving factory wherein artificial humidification is adopted, and in a position approved by the Inspector, for taking hygrometer shade readings.

**Exemption from Maintenance of Hygrometers**

17. When the Inspector is satisfied that the limits of humidity allowed by the Schedule to rule 15 are never exceeded, he may, for any department other than the weaving department, grant exemption from the maintenance of the hygrometer. The Inspector shall record such exemption in Form B.

**Copy of Schedule to Rule 15 to be affixed near every Hygrometer**

18. A legible copy of the Schedule to rule 15 shall be affixed near each hygrometer.

**Temperatures to be Recorded at each Hygrometer**

19. At each hygrometer maintained in accordance with rule 16, correct wet and dry bulb temperatures shall be recorded thrice daily during each working day by competent persons nominated by the Manager and approved by the Inspector. The temperatures shall be taken between 7 a.m. and 9 a.m., between 11 a.m. and 2 p.m. (but not in the rest interval), and between 4 p.m. and 5-30 p.m. In exceptional circumstances, such additional readings and between such hours, as the Inspector may specify, shall be taken. The temperatures shall be entered in a Humidity Register in Form G maintained in the factory. At the end of each month, the persons who have taken the readings shall sign the register and certify the correctness of the entries. The register shall always be available for inspection by the Inspector.

**Specifications of Hygrometers**

- 20. (a) Each hygrometer shall comprise two mercurial thermometers respectively wet bulb and dry bulb of similar construction, and equal in dimensions, scale and divisions of scale. They shall be mounted on a frame with a suitable reservoir containing water.
- (b) The wet bulb shall be closely covered with a single layer of muslin, kept wet by means of a wick attached to it and dropping into the water in the reservoir. The muslin covering and the wick shall be suitable for the purpose, clean and free from size or grease.
- (c) No part of the wet bulb shall be within 3 inches from

the dry bulb or less than 1 inch from the surface of the water in the reservoir and the water reservoir shall be below it, on the side of it away from the dry bulb.

- (d) The bulbs shall be spherical and of suitable dimensions and shall be freely exposed on all sides to the air of the room.
- (e) The bores of the stems shall be such that the position of the top of the mercury column shall be readily distinguishable at a distance of 2 feet.
- (f) Each thermometer shall be graduated so that accurate readings may be taken between 50 and 120 degrees.
- (g) Every degree from 50 degrees up to 120 degrees shall be clearly marked by horizontal lines on the stem; each fifth and tenth degree shall be marked by longer marks than the intermediate degrees, and the temperature marked opposite each tenth degree, i.e., 50, 60, 70, 80, 90, 100, 110 and 120.
- (h) The markings as above shall be accurate, that is to say, at no temperature between 50 and 120 degrees shall the indicated reading be in error by more than two-tenths of a degree.
- (i) A distinctive number shall be indelibly marked upon the thermometer.
- (j) The accuracy of each thermometer shall be certified by the National Physical Laboratory, London, or some competent authority appointed by the Chief Inspector and such certificate shall be attached to the Humidity Register.

#### **Thermometers to be Maintained in Efficient Order**

21. Each thermometer shall be maintained at all times during the period of employment in efficient working order, so as to give accurate indications and in particular—

- (a) The wick and the muslin covering of the wet bulb shall be renewed once a week.
- (b) The reservoir shall be filled with water which shall be completely renewed once a day. The Chief Inspector may prescribe the use of distilled water or pure rain water in any particular mill or mills in certain localities.
- (c) No water shall be applied directly to the wick or covering during the period of employment.

#### **An inaccurate Thermometer not to be used without fresh Certificate**

22. If an Inspector gives notice in writing that a thermometer is not accurate, it shall not, after one month from the date of such notice, be deemed to be accurate, unless and until it

has been re-examined as prescribed and a fresh certificate obtained which certificate shall be kept attached to the Humidity Register.

**Hygrometer not to be affixed to wall, etc., unless protected by wood**

23. No hygrometer shall be affixed to a wall, pillar or other surface unless protected therefrom by wood or other non-conducting material at least half an inch in thickness and distant at least one inch from the bulb of each thermometer.

**No Reading to be taken within 15 Minutes of Renewal of water**

24. No reading shall be taken for record on any hygrometer within 15 minutes of the renewal of water in the reservoir.

**Kata Thermometers**

25. The cooling properties of the air shall be determined by using "Kata thermometers". Tests shall be determined as laid down in the printed instructions issued with each instrument, or with those printed in Appendix I. Tests shall be carried out and recorded at such times and for such periods as the Chief Inspector may by written order require.

**How to Introduce Steam for Humidification**

26. In any room in which steam pipes are used for the introduction of steam for the purpose of artificial humidification of the air the following provisions shall apply :—

- (a) The diameter of such pipes shall not exceed two inches, and in the case of pipes installed after 1st day of January 1936 the diameter shall not exceed one inch ;
- (b) Such pipes shall be as short as is reasonably practicable ;
- (c) All hangers supporting such pipes shall be separated from the bare pipes by an efficient insulator not less than half an inch in thickness ;
- (d) No uncovered jet from such pipe shall project more than 4½ inches beyond the outer surface of any covering ;
- (e) The steam pressure shall be as low as practicable and shall not exceed 70 lbs. per square inch.

## PREVENTION OF OVERCROWDING

(SECTIONS 17 AND 32)

**Particulars of Rooms to be Entered**

27. Particulars of each room of the factory in which workers are regularly employed shall be entered in Form H, which shall be shown to the Inspector when required.

**LIGHTING**

(SECTIONS 18 AND 32)

**Artificial Lighting**

28. Artificial lighting in accordance with the following standards shall be provided and used in the interior of cotton ginning factories at times when artificial lighting is necessary and is ordinarily used :—

- (i) by means of electricity, to the satisfaction of the Inspector, one lamp per six gins, each lamp of not less than twenty-five candle power ; or
- (ii) by candles placed in glass lanterns of a pattern approved by the Inspector, not less than one such lantern for every two gins.

**Factories to be Sufficiently Lighted**

29. As long as any workers are present in a factory, the latrines, passages, stairs, hoists, factory grounds and other parts of the factory, in so far as the entrance of the said places is not closed, shall be lighted in such manner that safety is fully secured in passing through or remaining in the same.

**DRINKING WATER**

(SECTIONS 19 AND 32)

**Supply of Drinking Water**

30. Drinking water shall, in all cases, be supplied to the workers free of cost.

**Sources of Supply of Drinking Water and Storage Thereof**

\*31. (1) In every factory there shall be provided and maintained at suitable places on the ground level easily accessible to all workers, a sufficient supply of water fit for drinking at the rate of at least one gallon per worker. The water so provided and maintained shall be supplied :

- (a) from taps connected with any public water supply, or
- (b) from any other sources, approved in writing by the Assistant Director of Public Health or the Health Officer of the Municipality who is equipped with such facilities for testing water as the Inspector by an order in writing may require.

(2) The water provided and maintained under sub-rule (1) if not laid on, shall be kept in suitable vessels and shall be renewed at least daily. All practicable steps shall be taken to pre-

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\*These rules were substituted by G. N. P. & S. D., No. 6733/34, dated 28th September 1943.

serve the water and vessels free from contamination and to keep the vessels clean.

- (3) (a) Drinking water shall not be supplied from any open well or reservoir unless it is so situated and protected as not to be liable to pollution by chemical or bacterial impurities.
- (b) Where drinking water is supplied from such well or reservoir arrangements shall be made to sterilize the water in it once a week or if so required by the Inspector oftener unless separate arrangements are made to filter and treat the water before it is supplied for consumption.

#### Manager to Obtain Report on Water at Intervals

\*32. The Inspector may by order in writing direct the Manager to obtain report, at such time or at such intervals as he may direct, either from the Assistant Director of Public Health or the health officer of the Municipality who is equipped with the necessary facilities for testing the water to ascertain whether the water supplied to the workers is fit for drinking or not. The Inspector may if he thinks fit, also take a sample of water himself and direct the Manager to obtain a report thereon. The Manager shall comply with the Inspector's direction and in every case submit a copy of the report to the Inspector.

### PROVISION OF WASHING ACCOMMODATION

(SECTIONS 19 AND 32)

#### Washing Accommodation

33. In every factory in which any process involving contact by the workers with injurious or obnoxious substances is carried on, a sufficient supply of water suitable for washing shall be provided before the 1st day of January 1936. For every fifteen workers so employed, at least one impervious wash basin fitted with a waste-pipe shall be provided together with a free supply of nail brushes and soap :

Provided that if in any factory, sufficient bathing accommodation has been already provided, the Inspector may vary the above standard to such extent as he may think fit.

### PROVISION OF SANITARY ACCOMMODATION

(SECTIONS 20 AND 32)

#### Provision of Latrines and Urinals

34. (1) Every factory shall be provided with latrine accommodation on the scale given below :—

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\*These rules were substituted by G. N. P. & S. D., No. 6733/34, dated 28th September 1933.

	Seats
Where the number of workers does not exceed 20	1
Where the number of workers exceeds 20 but does not exceed 35	2
Where the number of workers exceeds 35 but does not exceed 50	3
Where the number of workers exceeds 50 but does not exceed 150	4
Where the number of workers exceeds 150 but does not exceed 200	5
Where the number of workers exceeds 200	1 seat for every 50 or fraction of 50.

Such latrines shall be roofed and sufficiently ventilated and lighted. The surface of floors and inside walls shall be made of non-absorbent impermeable material to a height of 3 feet from the floor, within six months from the date of the coming into force of these rules.

Except with the written permission of the Inspector, such latrine accommodation shall be in a place detached from the other factory buildings :

Provided that in a seasonal factory situated in a place detached from other buildings, latrines may be constructed of the pit or bore hole type on such a scale as the Inspector may require in writing. The site of such latrines shall be as distant as practicable from any buildings or water-supply and in any case not within 50 feet of a source of drinking water-supply.

(2) In factories which employ more than 50 workers and which do not provide flushing arrangements in the latrines, one urinal shall be provided for every 100 workers or fraction of 100.

(3) If females are employed, separate latrines and urinals screened from those of males and marked in the vernacular in conspicuous letters "for women only" shall be provided. Those for males shall be similarly marked "for men only."

(4) The number of latrines required shall be calculated independently for males and females.

**Latrines and urinals to be limewashed, etc.**

35. The walls of latrines and urinals shall be limewashed, or colourwashed both inside and outside, not later than six months from the date of the last limewashing or colourwashing :

Provided that in non-seasonable factories working by shifts more than ten hours a day, limewashing or colourwashing shall be carried out not later than four months from the date of the last limewashing or colourwashing. The dates of limewashing or colourwashing shall be noted in Form F :



Provided also that this rule shall not apply to latrines made of corrugated iron, or to tiled latrines, or to any class of latrines exempted by an order in writing by the Inspector in Form B.

**Latrines and urinals to be kept sanitary**

36. All latrines and urinals shall be kept in a sanitary state.

**PRECAUTIONS AGAINST FIRE AND PROVISION OF MEANS OF ESCAPE IN CASE OF FIRE**

(SECTIONS 22, 23 AND 32)

**Buildings of more than one storey to be provided with 2 stairs**

37. Every building of more than one storey shall be provided with at least two sets of stairs or steps permanently fixed either inside or outside the building, so as to afford direct and unimpeded access from every part of the factory to the ground level. Such stairs shall be provided with a suitable and sufficient hand-rail or other convenient support. In factories employing less than forty persons, the Inspector may accept in lieu of a second set of stairs or steps, such other means of escape in case of fire as can reasonably be required in the circumstances of each case.

**Exits to external stairs to open from inside**

38. Every window or door giving access to an external staircase shall be so arranged as to open immediately from inside.

**Ginning factories to be provided with two earthen ramps, etc.**

39. Notwithstanding anything contained in rule 37, ginning factories shall be provided with at least two suitable earthen ramps or two flights of stairs made of brick-work or other fire-resisting material.

**Artificial lighting**

40. Save in cases where the Inspector by written order otherwise permits at any time, artificial lighting shall not be provided, otherwise than by means of electricity, in any factory of the classes specified below or parts of such factories :—

- (i) The interior of any cotton ginning factory, provided that candles placed in glass lanterns of a pattern approved by the Inspector may be used ;
- (ii) Any part of the factory in which any of the processes connected with the manufacture and packing of any matches or fireworks is carried on ;
- (iii) All interior parts of cotton spinning and weaving factories, other than engine and boiler rooms, rope alleys, mechanic shops, calendering, finishing, dyeing and sizing departments.

## FENCING

## (SECTIONS 24 AND 32)

**Certain parts of transmission machinery to be fenced**

41. The following parts of transmission machinery shall be securely fenced if in motion and likely to cause danger :—

- (i) All shafts, couplings, collars, clutches, toothed wheels, pulleys, driving straps, chains and ropes except such as are in the opinion of the Inspector, by reason of construction or position, equally safe to every person employed as they would be, if securely fenced or guarded.
- (ii) All projecting set screws, keys, nuts or bolts on revolving parts, except such as are countersunk or otherwise made equally safe.
- (iii) The underside of all heavy overhead main driving belts or ropes, if there is any probability of persons having to pass under them.

**Other precautions to be taken with certain parts**

- 42. (i) Cotton openers, combined openers and scutchers, scutchers and lap machines, hard waste breakers and similar machines and spinning mules shall be driven from countershafts provided with fast and loose pulleys and efficient belt shifters.
- (ii) In all openers, combined openers and scutchers, scutchers, scutcher-lap machines, hard waste breakers and similar machines, the cover of the beaters and doors which give access to any dangerous parts of the machines shall be secured by a self-locking apparatus maintained in efficient order in such manner as to make it impossible to open such cover or door when the machine is working. A similar device shall be applied to the doors or casings over the jack box motion and adjacent parts of all slubbing, intermediate and roving frames set up after the 1st day of July 1912.
- (iii) In all openers, combined openers and scutchers, scutchers, scutcher-lap machines, hard waste breakers and similar machines, the openings giving access to the dust chamber shall be provided with permanently fixed fencing, which shall, while admitting light, yet prevent contact between any portion of a worker's body and the beater grid bars.
- (iv) In all combined openers and scutchers, scutchers, scutcher-lap, sliver-lap and lap-machines and

similar machines, an efficient guard shall be fitted over the lap and maintained in such order that no person may handle the lap when the weight friction rack is exerting pressure on the lap spindle.

**Parts of carding machines to be fenced**

43. (a) In every carding machine,
  - (i) all feed roller wheels and doffer wheels, side shaft wheels, calender wheels and collar wheels shall be efficiently fenced ;
  - (ii) licker-in-covers shall be screwed down so that they cannot be readily lifted while the machine is in motion.
- (b) In every carding machine, other than roller and clearer waste cards or cards of a similar type erected after the 31st day of December 1927, the cylinder stripping door shall be secured by an automatic locking apparatus maintained in efficient order in such manner as to make it impossible to open such door until the cylinder is at rest.
- (c) In every roller and clearer waste carding machine the wooden cover over the rollers and clearers shall be secured in such manner that it cannot be readily opened.

**Certain parts to be guarded**

44. Every ring-throstle-frame, flyer-throstle-frame and doubling frame, the tin rollers of which revolve in the usual directions, that is, in such manner as to draw upwards between them any object coming in contact with them from beneath, shall be guarded in the following manner :—

- (i) A guard or guards shall be permanently fixed along the whole length of each side of every such frame and not further under the frame than the outer edge of the spindle rail.
- (ii) These guards shall consist of strong horizontal iron bars not less than one and a quarter inches in width and one-quarter of an inch in thickness secured to suitable upright spaced not more than four feet apart ; the bars should be so placed that the vertical space between the topmost bar and the bottom of the spindle rail and between the lowest bar and the floor and between any bar and the next bar shall be not more than six inches. If any line of bars consists of more than one piece, the pieces forming the line shall overlap each other by at least two and a half inches and shall be effectively secured.

- (iii) Whenever under the tail end of any such frame, there is a clear space exceeding 8 inches from the floor, a like guard shall similarly be fixed midway across such end.
- (iv) Every frame shall be fenced in the above manner before being brought into use, unless secure fencing is adequately maintained by wooden guards, constructed of suitable dimensions from strong sound smooth wood, such as teak, permanently and suitably fixed.

**Calendering machines, etc. to be provided with a nip-guard**

45. In respect of calendering machines, mangles, and similar machines, all such machines shall be provided with an efficient "nip" guard along the whole length on the intake side of each pair of bowls and similar parts, which shall be so fitted and maintained, whilst the rollers of bowls are in motion, as to prevent access of any person's fingers to the point of contact of the rollers or bowls.

**Belts, etc., to be regularly examined**

46. (i) All belts shall be regularly examined to ensure that the joints are safe and the belts at proper tension.
- \* (ii) No new wire rope or chain shall be used in any hoist unless the Manager has obtained a certificate of its safe working load from the manufacturer or importer. The Manager shall produce such certificate when so required by the Inspector.
- \* (iii) There shall be marked conspicuously on every hoist the maximum working load which it can safely carry and no load exceeding the load so marked shall be carried on any hoist.
- \* (iv) All hoist ropes and chains shall be examined at intervals of not more than three months by a competent person nominated by the Manager to ensure that they are in a safe condition. The person making the examination shall submit a report of every such examination to the Manager who shall maintain a record of such reports and shall produce it when so required by the Inspector.

†46A. An efficient automatic device shall be provided and maintained to prevent the cage or platform from overrunning.

\*Clauses (ii), (iii) and (iv), of Rule 46 are substituted for old clause (ii) with effect from 1st January 1942 (G.N., P. & S.D., No. 9073 of 23rd May 1941).

†This sub-rule was inserted by G.N., P. & S.D., No. S. 129 of 4th September 1942.

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Emery and abrasive wheels to be provided with an iron coverguard

47. Except with the written permission of the Inspector, every emery or abrasive wheel shall be provided with a strong iron coverguard that shall enclose the wheel, as far as practicable. The guard shall be securely attached to the frame of the machine or other solid foundation.

ADDITIONAL FENCING IN GINNING AND PRESSING FACTORIES

Additional provision for cotton ginning factories

48. The following special additional provisions shall apply to cotton ginning factories to the extent therein indicated:

- (a) The line shaft or second motion in cotton ginning factories, when below floor level, shall be completely enclosed by a continuous wall or unclimbable fencing with only so many openings as are necessary for access to the shaft for removing cotton seed, cleaning and oiling; and such opening shall be provided with gates or doors which shall be kept closed and locked.
- (b) The toothed rollers of the opener shall be guarded by securely fixing across the machine a strong wooden plank or metal guard so fixed that in no circumstances can a person's hand get into the rollers.
- (c) The spur gearing at the side of the opener shall be completely covered by a strong metal guard.
- (d) The crank shaft pulleys and roller-pulleys of all gins shall be securely fenced by strong box guards and hinged top covers.
- (e) All ginning machines and openers shall be provided with fast and loose pulleys and efficient belt shifters.
- (f) The intake side of the roller cog wheels on all double roller ginning machines shall be fenced by a strong metal guard. The oscillating mechanism on all these machines shall also be fenced by a strong metal cover.
- (g) Any opening on the underside of saws on saw gins or similar gins shall be securely fenced by securely bolting an expanded metal or similar cover in such a manner that no person's hand can come in contact with the saws, when the saws are in motion.
- (h) In phutties or kappas and cotton openers, the beater at the feed end shall be securely fenced by permanently fixing strong sound wooden planks or metal plates across the feed opening and to the sides of the machine, in such a manner that in no circumstances can any

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portion of a person's body come in contact with the beater, whilst it is in motion.

**Additional fencing in factories wherein decorticating is carried out**

49. In any decorticator—

- (a) The feed opening shall be securely fenced by permanently fixing iron bars not less  $5/8$ " in diameter, spaced not more than two inches apart from centre to centre, across such opening.
- (b) The axial openings at the sides of the machine shall be securely fenced by permanently fixing expanded metal covers over such openings, in such manner that in no circumstances can a person's hand come in contact with the "pankha."

**Additional fencing in gur-factories wherein crushing is carried on**

49A. (1) All toothed gearing on crushing machinery in gur factories shall be effectively fenced by strong metal guards.

(2) The rollers of the sugarcane crusher in such factories shall be effectively fenced at the feed end by a strong wooden or metal guard permanently fixed in such a manner that a person's hand cannot get into the roller.

**PROTECTION OF WORKERS ATTENDING TO MACHINERY**

**Important pulleys to be provided with belt hangers**

50. As far as possible all important pulleys shall be provided with belt hangers :

Provided that when the main belts of any machinery have to be adjusted, the machinery shall be stopped and shall not be set in motion again, until such belts have been completely adjusted.

**Fast running belts to be replaced, etc., only by experienced and trained worker**

51 Replacing or adjusting of fast running belts shall be done only by an experienced and specially trained worker.

**Ladders**

52. All ladders used in replacing belts shall be specially made and reserved for that work and provided with hooks or an effective non-skid device. Ladders provided with hooks must have hooks fitted in such suitable positions that they rest on the shaft when the bottom end of the ladder is resting on the floor.

Certain workers to be supplied with certain clothing free of charge

53. (1) Every worker, who goes up to replace a belt or to oil bearings of a shaft, shall wear a tight loin cloth or tight trousers, and shall not wear any loose clothing which is liable to be caught in the machinery. The tight loin cloth or tight trousers shall be provided by the occupier, free of cost.

(2) The provisions of sub-rule (1) shall apply—

- (a) to every worker, who goes down to replace a belt or to oil bearings of a shaft in a cotton ginning factory, and
- (b) to all oilers and to attendants of prime movers, and to any person who is allowed to work in the shaft alley of a cotton ginning factory when the machinery is in motion.

(3) A *dhoti* wrapped round the body in any manner shall not be deemed to be a loin cloth within the meaning of sub-rule (1).

Certain plant to be fitted with safety valves, etc.

54. All kiers, digesters or steam jacketed pans or other vessels worked under pressure shall be fitted with safety valves and pressure gauges.

## FENCING

### (SECTION 32)

Certain places to be securely fenced

55. All pits, tanks, gutters or excavations of more than eighteen inches in depth and all open tanks or open vessels containing either chemicals or hot substances dangerous to human life or safety shall be securely fenced, except when they are, in the opinion of the Inspector, by reason of construction or position, equally safe to every worker as they would be if securely fenced.

## PROHIBITION OF ADMISSION OF CHILDREN

### (SECTION 28)

Admission of certain children prohibited

56. In any factory of the classes specified below, the admission of children between the ages of two and twelve years is prohibited, to such part of such factories as is specified :—

- (a) Cotton ginning factories, to any part of such factories or premises wherein any machinery is at work,
- (b) Match factories, to any part of such factories other than rooms or an enclosed portion of the compound.

specially reserved for the use of such children in which no manufacturing process is carried on and no articles or materials are stored, and

- (c) Any factory in which explosives are manufactured.

### NOTICES OF ACCIDENTS

(SECTIONS 30 AND 32)

#### Notice of accidents

57. Notices of accidents resulting in death or causing such severe injury that there is no reasonable hope that the person will be able to return to work within 48 hours, shall be sent by telegram, telephone or special messenger within four hours of the occurrence to—

- (i) the Inspector of the area in which the factory is situate, and
- (ii) the District Magistrate or if he by general order so directs, the Sub-Divisional Magistrate.

#### Notice to be given to police if death results immediately

58. In case of any accident resulting in death, notices shall also be sent to the officer in charge of the police station for the area in which the factory is situate, within the time and by the agency prescribed in rule 57.

#### Notice when death follows within 7 days

59. If in the case of an accident, the injured person dies within seven days of the accident, information of his death whenever known shall be sent by telegram, telephone or special messenger, within 24 hours of the occurrence to—

- (i) the Inspector,
- (ii) the District Magistrate or if he by general order so directs, the Sub-Divisional Magistrate, and
- (iii) the officer in charge of the police station for the area in which the factory is situate.

#### Such notice to be in Form I

60. If the notice is sent by special messenger, it shall be in Form I and if it is sent by telegram or telephone, it shall be confirmed by written report in that Form. Copies of all such notices shall be maintained for a period of three years.

#### Notice of minor accidents

61. Notices of accidents of a minor character, but which nevertheless prevent the injured person from returning to work within 48 hours of the occurrence, shall be given in Form I within 24 hours of the expiry of that time to the Inspector.\*\*\*

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\*\*\*These words were deleted (G.N., P. & S.D., No. 852/34 of 4th June 1943).



**Notice of other accidents**

62. Notices of accidents occurring in a factory which do not cause death or bodily injury but are due to any of the following causes, namely :—

- (i) structural collapse,
  - (ii) the breaking of any rope, chain or other appliance used in raising or lowering persons or goods by the aid of mechanical or electrical power, or
  - (iii) fires in cotton openers in cotton pressing factories,
- shall be sent in Form I—

(a) to the Senior Inspector of Factories, Ahmedabad, in the case of all factories situate in the districts of Ahmedabad, Kaira, Broach and Panch Mahals and Surat and in the Nawapur taluka of the West Khandesh district, and

(b) to the Chief Inspector, in all other cases, by registered post within four hours of the occurrence, or the accident shall be reported by telegram, telephone, or by special messenger within the same period. If the notice is sent by special messenger, it shall be in Form I and if it is sent by telegram or telephone, it shall be confirmed by a written report in that Form. Copies of all such notices shall be maintained for a period of three years.

**Inspector to Investigate fatal or serious accidents**

63. If the Inspector has reason to believe that a fatal or serious accident has occurred in any factory, whether he has received a notice under section 30 or not, the Inspector shall proceed to make an investigation either by himself or in co-operation with any official deputed by the District Magistrate or the Police authorities, or with both, in order to determine, as soon as possible, the cause of, and responsibility for, the accident. If it should be found that the death or serious injury resulted from the occupier or manager or other person having neglected to observe any provisions of the Act or rule or order made thereunder, the Inspector shall, if he considers that a prosecution should be instituted under the Act, report to the District Magistrate that he is instituting a prosecution under the Act :

Provided that where the Inspector considers that the prosecution should be instituted by a local official, he shall give the previous sanction in writing required by section 74 and forward the same to the District Magistrate with a request that a prosecution may be instituted. If the Inspector considers that action should also be taken under the Indian Penal Code, he shall record his opinion and send it to the District Magistrate for such action as he may think fit ;

Provided further that no report to the District Magistrate shall be required in the case of any accident occurring in the City of Bombay or in the case of any accident which has resulted in death and in connection with which the Coroner of Bombay has held an inquest.

## PROCEDURE IN APPEALS

### (SECTIONS 31 AND 32)

#### Procedure in Appeals

64. (1) An appeal presented under section 31 shall lie to the Chief Inspector or in cases where the order appealed against is an order passed by that officer, to the District Magistrate, and shall be in the form of a memorandum setting forth concisely the grounds of objection to the order and bearing court-fees stamp in accordance with Article 11 of Schedule II to the Court-fees Act, 1870, and shall be accompanied by a copy of the order appealed against.

(2) The Millowners' Associations at Bombay and Ahmedabad in the case of the textile industry and the Chamber of Commerce, Bombay, or the Indian Merchants' Chamber, Bombay, in respect of other industries are hereby prescribed as the bodies empowered to appoint one of the two assessors referred to in Sub-section (2) of Section 31 :

Provided that in respect of industries other than the textile industry, the appellant shall state in the memorandum presented under sub-rule (1) whether he is a member of any of the aforesaid bodies and if he is a member of two such bodies, which of these two bodies he desires should appoint one of the two assessors as aforesaid ; and the body empowered to appoint such assessor shall,

(1) if the appellant is a member of one of such bodies, be that body :

(2) if he is a member of two such bodies, be the body which the appellant desires should appoint such assessor ; and

(3) if the appellant is not a member of any of the aforesaid bodies or if he does not state in the memorandum which of such bodies he desires should appoint the assessor, be the body which the appellate authority considers as the best fitted to represent the industry concerned.

#### Appointment of assessors

65. On receipt of the memorandum of appeal, the appellate authority shall, if it thinks fit or if the appellant has requested that the appeal should be heard with the aid of assessors, call upon the body, declared under sub-rule (2) of rule 64 to be the

body representative of the industry concerned under sub-section (2) of section 31, to appoint an assessor within a period of 14 days. If an assessor is nominated by such body, the appellate authority shall appoint a second assessor itself. It shall then fix a date for the hearing of the appeal and shall give due notice of such date to the appellant and to the Inspector whose order is appealed against, and shall call upon the two assessors to appear upon such date to assist in the hearing of the appeal.

#### **Remuneration of assessors**

66. An assessor appointed in accordance with the provisions of rules 64 and 65 shall receive, for the hearing of the appeal, a fee to be fixed by the appellate authority, subject to a maximum of fifty rupees per diem. He shall also receive reasonable travelling expenses to be fixed by the appellate authority. The fees and travelling expenses shall be paid to the assessors by Government; but where assessors have been appointed at the request of the appellant and the appeal has been decided wholly or partly against him, the appellate authority may direct that the fees and travelling expenses of the assessor shall be paid in whole or in part by the appellant.

### **PROVISION AND CUSTODY OF FIRST-AID APPLIANCES**

#### **(SECTION 32)**

#### **First-aid appliances to be stored**

67. Before the 1st day of January 1936, the Manager shall maintain, free of any charge to the workers, stores of first-aid appliances specified in Appendix II.

### **INSPECTOR'S REGISTER OF FACTORIES**

#### **(SECTION 32)**

#### **Inspector to maintain a register of factories**

68. The Inspector shall maintain a register of all factories under his charge in Form J and shall furnish a copy thereof to the District Magistrate as early as possible in each year. He shall also intimate to the District Magistrate, at the time they are made, all changes in the register which are made in accordance with rules 69, 70 and 71.

#### **Notice to premises which ought to be registered as factories**

69. When the Inspector has reason to believe that any premises situated within his local limits and not already registered as a factory ought to be included in his register, he shall send

to the occupier of the premises a notice intimating his intention of placing such premises on his Register of Factories.

**Objections to such notice and their decision**

70. Any person served with a notice under rule 69 may, within 15 days of the receipt of such notice, forward to the Inspector a statement setting forth his objections to the registration of his premises as a factory. The Inspector shall consider and dispose of such objections after making such enquiry as he may deem necessary, and shall communicate his decision to the person concerned.

**Removal of entries from register**

71. When any premises cease to be occupied as a factory, the occupier may give notice of the fact to the Inspector who shall, if satisfied that the Act is no longer applicable to such premises, remove them from his Register of Factories. The Inspector may, without such notice, and of his own motion, at any time remove any factory from his register if satisfied that it is no longer used as such.

**CERTIFICATES OF STABILITY OF BUILDINGS**

**(SECTION 33)**

**Manufacturing process not to be begun in certain buildings without stability certificate**

72. (1) In any building or part of a building which is erected or used or intended to be used for a cotton spinning or weaving factory or a sugar factory, no work on any manufacturing process with the aid of power shall be commenced until a certificate of stability of the building or part of the building, as qualifications specified in sub-rule (4), has been approved by the Inspector for the area in which the factory is situate.

(2) Such certificate shall be accompanied by the plans of the building or part thereof which is erected or intended to be used as a factory showing its extent and construction and the position of machinery, plan and tanks thereon.

(3) No alteration or addition shall be made to such building or part thereof or to such machinery, plant or tanks, unless a fresh certificate in respect of such alteration or addition has been approved in the manner specified in sub-rule (1).

(4) No person who is not—

- (a) a Member of the Royal Institute of British Architects,
- (b) a Member of the Indian Institute of Architects,
- (c) a Member or Associate Member of the Institute of Civil Engineers,

- (d) a Member of the Institute of Structural Engineers,
  - (e) a Graduate in Engineering of the Indian University recognised by Government with three years' *bona fide* practice on his own account or as Chief Assistant of a recognised firm of Engineers,
  - or
  - (f) possessed of such other qualifications as the Chief Inspector shall approve,
- shall sign such certificate.
- (5) Nothing in this rule shall apply to cotton spinning or weaving factories situate within the limits of the City of Bombay or the municipal borough limits of Ahmedabad.

### HOLIDAYS

#### (SECTION 35.)

##### Return of Holidays

73. (1) Before the end of each calendar month, unless exempted, the manager of every factory shall deliver or cause to be delivered to the office of the Inspector of the area in which the factory is situate, a return giving notice of all the days on which the factory will be closed during the succeeding month.

(2) The return of holidays shall be delivered whether the factory is or is not working during the calendar month preceding the one to which the return relates, and if any change of date is subsequently made, notice shall be delivered to the office of the Inspector in accordance with Section 35.

### NOTICES AND REGISTERS

#### (SECTIONS 39, 41, 55 and 56.)

##### Form of notice of periods for work

74. The notice of periods for work of adult workers prescribed under Section 39 shall be in Form C while that prescribed under Section 55 for child workers shall be in Form C-1.

##### Form of Register of Workers

75. The register of adult workers prescribed under Section 41 shall be in Form D and that for child workers prescribed under Section 56 shall be in Form D-1. These registers shall be written up afresh each year and shall always be available for inspection and be preserved for 12 months.

##### Form of abstract of Act and Rules

76. The abstract of the Act and Rules required by Section 76 to be affixed shall be in Form L for non-seasonal factories and in Form M for seasonal factories.

**ADULTS EXEMPTED UNDER SECTION 43**

**Persons defined to hold position of Supervision or Management**

77. The following persons shall be deemed to hold positions of supervision or management :—

- (a) All persons specified in the Schedule below.
- (b) Any other person who, in the opinion of the Inspector, holds a position of supervision or management.

**SCHEDULE.**

**LIST OF PERSONS TO HOLD POSITIONS OF SUPERVISION  
OR MANAGEMENT IN FACTORIES**

**1. All Factories.**

Manager.  
Assistant Manager.  
Department heads and Assistants.  
Engineer and Certified Assistants.  
Electrical Engineer.  
Head Storekeeper and Assistants.  
Boiler Serang.  
Technical Experts.

**II. Engineering Workshops.**

Foremen.  
Inspectors.  
Chargemen.  
Workshop Overseers.  
(In addition to persons in the list "I. All Factories" above.)

**III. Spinning and Weaving Mills.**

**Engineering Departments.**  
Foremen Mechanics.

**Spinning Departments.**  
Jobbers or Muccadams.

(Note.—Spinning departments shall, for the purposes of this Rule, be deemed to include also the blowing, carding, drawing and frame departments.)

**Weaving Departments.**  
Jobbers, Overseers or Muccadams.

(Note.—Weaving departments shall, for the purposes of this Rule, be deemed to include the preparatory departments of winding, warping and sizing).

Rules 77—80 were last revised by Notification, P. & S.D., No. 352/84 of 9th December 1941, and to be in effect from 12th January 1942 to 11th January 1945.

**Dyeing, Bleaching, Calendering, Finishing and Cloth Printing  
Departments.**

**Jobbers, Overseers or Muccadams.**

(In addition to persons in the list "I. All Factories" above.)

**Persons defined to hold Confidential Position**

78. All clerks and timekeepers employed in a factory within the meaning of Clause (h) of Section 2 shall be deemed to be employed in a confidential position in the factory.

**List to be maintained of persons holding Confidential Position or  
Position of Supervision or Management**

79. A list showing the names and designations of all persons to whom the provisions of Sub-section (1) of Section 43 have been applied shall be maintained in every factory.

**ADULT WORKERS EXEMPTED UNDER SECTION 43(2), (3)  
AND (4) FROM CERTAIN RESTRICTIONS ON WORKING  
HOURS**

**Exemption of Certain Adult Workers**

80. Adult workers engaged in factories specified in column 2 of Appendix III on the work specified in column 3 of the said Appendix shall be exempt from the provisions of the sections specified in column 4, subject to the conditions specified in column 5 of the said Appendix.

**OVERTIME LIMITS AND PAYMENTS FOR EXEMPTED  
WORKERS**

(SECTION 47.)

**Muster-roll for Exempted Factories**

81. The manager or occupier of every factory in which workers are exempted under Section 43 or 44 from the provisions of Section 34 or 36 shall keep a muster-roll in Form N showing the normal piece-work rate of pay, or the rate of pay per hour, or per day of nine hours in non seasonal factories, or per week of fifty-four hours in non-seasonal factories other than those employed on continuous production work for technical reasons, or of fifty-six hours in non seasonal factories employed on continuous production work, or of sixty hours in seasonal factories, of all exempted employees. In this muster-roll shall be correctly entered the overtime hours of work and payments therefor of all exempted workers. The muster-roll in Form N shall always be available for inspection.

**Total Overtime for Women Exempted from Section 34**

82. Where women are exempted from the provisions of Section 34, under the provisions of Section 43, the total overtime permitted shall not exceed six hours during the week.

**Total overtime for male adult workers exempted from Sections 34 and 36**

83. Where male adult workers are exempted from the provisions of Section 34 and Section 36, the overtime permitted shall not exceed twelve hours in any one week. But nothing in this rule shall apply to work on urgent repairs carried out under conditions laid down in item 1 of Appendix III.

**EMPLOYMENT OF MEN IN MORE THAN ONE FACTORY**

(SECTION 48.)

**When Employment of Men in more than one Factory may be Sanctioned**

84. The Inspector may sanction the employment of adult workers in more than one factory on the same day if he is satisfied that such adult worker—

- (a) is employed in accordance with Section 34, and
- (b) has the holiday prescribed by Section 35.

**Note of such employment to be made in Register**

85. A note, under the initials of the Inspector, shall be made in the remarks column of the Register against all adult workers permitted to work in more than one factory under rule 84.

**EMPLOYMENT OF ADOLESCENTS AND CHILDREN**

(SECTIONS 51, 53 AND 59.)

**Token of Child and Adolescent to bear Numbers**

86. The token which a child or adolescent at work wears under Section 51 shall have the number of the child or adolescent in the Register stamped upon it.

**CERTIFYING SURGEONS**

(SECTION 59)

**Duties of Certifying Surgeons and Authorised Medical Practitioners**

87. (1) The duties of a Certifying Surgeon and of an authorised medical practitioner shall include the examination of children and adolescents desirous of being employed, and the re-



examination of those in respect of whom a notice under Section 58 has been served upon the manager, and who desire to be re-employed. Certificates of age and fitness shall be given to such children and adolescents as are found qualified to receive them. No fee shall be charged for such examination or for the grant of a certificate in pursuance thereof.

(2) The Certifying Surgeon or authorised medical practitioner shall fix suitable places and times for the attendance of persons wishing to obtain certificates of age and physical fitness. Notice of the place and the times thus fixed shall be given to the managers.

#### Certificates by Certifying Surgeon

88. (1) Every Certifying Surgeon shall keep a bound book containing certificates in Form O in foil and counterfoil. The forms shall be numbered consecutively and shall be printed on cloth-backed paper.

(2) Every certificate granted under Section 52 to a person desirous of being employed in a factory shall be prepared by filling up the foil and counterfoil on which shall also be impressed the left thumb mark of the person in whose name the certificate is granted.

(3) The Certifying Surgeon shall, when satisfied as to the correctness of the entries made therein, sign the foil and initial the counterfoil, and shall deliver the foil to the person in whose name the certificate is granted. The foil so delivered shall be the certificate granted under Section 52.

(4) If the Certifying Surgeon refuses to grant to any person a certificate under this rule, no fresh application for a certificate shall be made on behalf of such person until a period of three months has elapsed, unless the Certifying Surgeon otherwise gives permission in writing at the time of refusing to grant the certificate.

(5) A Certifying Surgeon revoking a certificate under Sub-section (3) of Section 52 shall cause the word "revoked" to be stamped in red ink on the foil and counterfoil.

#### Certificate by Authorised Medical Practitioners

89. Every authorised medical practitioner shall grant certificates in the manner prescribed in rule 88; and the word "Provisional" shall be printed or stamped in red ink at the top of each foil and counterfoil of such certificate.

#### Duplicates of Certificates

90. (1) When a person, to whom a certificate under Section 52 has been granted, loses such certificate, he may apply to the Certifying Surgeon, who after making such enquiry as he

deems fit from such person's employer or if unemployed from such person's last employer and from other sources, may grant a duplicate thereof. The word "Duplicate" shall be clearly written in red ink across such certificate and initialled by the Certifying Surgeon. The counterfoil in the bound book of forms shall be similarly marked "Duplicate" and initialled.

(2) For every copy of a certificate granted under sub-rule (1), a fee of eight annas shall be charged, which shall be credited to Government. The Certifying Surgeon shall maintain a register in Form P of all fees paid for the issue of copies of certificates, and shall initial each entry made therein.

(3) No duplicate of a certificate granted under Section 52 shall be granted to any person otherwise than in accordance with the provisions of this rule.

#### **Certifying Surgeon to visit Factories**

91. (1) The Certifying Surgeon shall ordinarily visit every factory situate within his local limits in which children or adolescents are known to be employed, at least once in four months and shall give previous notice of his visits. When a Certifying Surgeon visits a factory, the manager shall produce before him at such time as the Certifying Surgeon may fix all children and adolescents employed in the factory whether actually at work or not, who are not in possession of certificates granted by him under Section 52.

(2) The Certifying Surgeon shall personally examine every child, or adolescent who is in possession of a "Provisional" certificate, granted under rule 89, and shall, if satisfied that a certificate should be granted, destroy the provisional certificate and issue his own certificate in lieu thereof.

(3) If on such examination, the Certifying Surgeon is of opinion that the person in possession of a "Provisional" certificate, granted under rule 89, is under the age of twelve years or is not fit for employment in a factory, he shall impound the certificate, write on it the word "Cancelled" and sign the same, and shall forward the certificate with such remarks, if any, as he may offer to the Inspector for information, and inform the authorised medical practitioner who issued it.

#### **Revocation of Certificates**

92. The Certifying Surgeon at his periodical visits shall satisfy himself as to the fitness of the children and adolescents employed in a factory and shall revoke the certificates of any whom he deems no longer fit to work in the capacity therein.

#### **Results of visits of Certifying Surgeon to be noted**

93. The Certifying Surgeon shall enter in the inspection book a note detailing the results of each visit to the factory. A

Copy of this note shall be forwarded to the Inspector and to the authority to whom the Certifying Surgeon is subordinate for the purposes of this Act.

### MANNER OF SERVICE OF NOTICE

(SECTIONS 32, 47 AND 59)

#### Service of Orders how effected

94. The despatch through the post under registered cover of any notice, order or extract of an Inspector's report sent under the Act or under these rules, shall be deemed sufficient service on the occupier or manager of the factory of such notice or order or of any directions contained in such extract.

### FORM A

(See Rule 3)

#### NOTICE OF OCCUPATION

Written notice prescribed under Section 9 (1) of the Act

1. Name of Occupier
  2. Name of factory
  3. Full postal address of factory
  5. Nature of the manufacturing process to be carried on.
  6. Name of Manager for the purposes of Factories Act
- Date (Full signature of Occupier.)  
(Full signature of Manager.)

For notes under Form A refer to the book at page 87.

### FORM B

(See Rule 5)

Section or Rule from which exemption is given	Subject dealt with	Extent of and conditions of exemptions (compensatory rest periods, if any, should be mentioned)	Date and number of order

# FORM C

(See Rules 6 and 74)

## NOTICE OF PERIODS OF WORK FOR ADULT WORKERS PRESCRIBED UNDER SECTION 39 OF THE FACTORIES ACT 1934.

Name of Factory.....Place.....District.....

	*Group Number					
	*Relay Number			*Relay Number		
	Starting time	Stopping time	Intervals for rest	Starting time	Stopping time	Intervals for rest
Sunday	...					
Monday	...					
Tuesday	...					
Wednesday	...					
Thursday	...					
Friday	...					
Saturday	...					

\* Where workers are employed on a system of groups or on relays in a shift system, the particulars as to starting and stopping time with rest intervals for each period of work, of each such group or relay, as the case may be, shall be shown.

# FORM C-1

(See Rules 6 and 74)

## NOTICE OF PERIODS OF WORK FOR CHILD WORKERS PRESCRIBED UNDER SECTION 55 OF THE FACTORIES ACT, 1931

Name of Factory.....Place.....District.....

	*Group Number							
	*Relay Number				*Relay Number			
	Starting time		Stopping time		Starting time		Stopping time	
	Intervals for rest		Intervals for rest		Intervals for rest		Intervals for rest	
Sunday	...							
Monday	...							
Tuesday	...							
Wednesday	...							
Thursday	...							
Friday	...							
Saturday	...							

\* Where child workers are employed on a system of groups or on relays in a shift system, the particulars as to starting and stopping time with rest intervals for each period of work of each group or relay, as the case may be, shall be shown.

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LABOUR AND FACTORY LEGISLATION

LABOUR AND FACTORY LEGISLATION

(See Rule 9 and 75)

**For the month or period ending.....**

Name of Factory.....Place.....District.....

Serial No.	Name and father's name	Nature of work	Group number	Relay number	Number of certificate and its date	Token number giving reference to the certificate	Remarks

*Note*—Where child workers are employed on a system of groups or on relay in a shift system, reference to the particular group or the relay in the case may be, to which the worker is allotted shall be given in the columns provided.

## LABOUR AND FACTORY LEGISLATION

## FORM E.

(See Rule 8.)

*Diary of Factory Inspector for the month ending*

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Date.	Place.	Factories inspected.	Factories inspected for definite purposes.	Remarks of defects found and directions and orders issued.

## FORM F.

(See Rule 10.)

## LIME-WASHING, ETC.

Part of Factory, e.g., name of room.	Parts lime washed, painted or varnished, e.g., walls, ceilings, woodwork, etc.	Treatment (whether lime washed, painted or varnished).	Date on which lime-washing painting, or varnishing was carried out (according to the English calendar)			Signature of Occupier or Manager	Remarks
			Day	Month	Year		

(Signature of Occupier.)

(Signature of Manager.)



FORM G

(See Rule 19)

HUMIDITY REGISTER

Department—

Hygrometer— { Distinctive mark or number  
Position in department

Date, year. Month, day		Readings of Hygrometer						Remarks	
		Between 7 and 9 a.m.		Between 11 a.m. and 2 p. m. (but not in the rest period)		Between 4 and 6-30 p.m.			If no humidity insert none
		Dry bulb	Wet bulb	Dry bulb	Wet bulb	Dry bulb	Wet bulb		
1st	...								
2nd	...								
3rd	...								
4th	...								
5th	...								
6th	...								
7th	...								
8th	...								
9th	...								
10th	...								
11th	...								
12th	...								
13th	...								
14th	...								
15th	...								
16th	...								
17th	...								
18th	...								
19th	...								
20th	...								
21st	...								
22nd	...								
23rd	...								
24th	...								
25th	...								
26th	...								
27th	...								
28th	...								
29th	...								
30th	...								
31st	...								

At the beginning of the month the Sundays, whole holidays, and in the shorter months the 31st or other excess days should be erased.

(Signed)

Certified that the above entries are correct.

(Signed)

**(See Rule 27)**

### PARTICULARS OF ROOMS IN THE FACTORY

[illegible]

(Signature of Manager.)

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FORM I.

(See rules 60, 61 and 62.)

(REPORT OF ACCIDENTS)

Required under the Factories Act, 1934, and the  
Bombay Factories Rules, 1935.

Not to be filled up by  
the management. { District  
Date of Receipt  
Accident No.  
Classification, i.e., fatal, serious or minor  
Date of Enquiry  
Result of Enquiry

1. Name of Occupier
2. Address of Works
3. Nature of Industry
4. Branch or Department in which accident occurred
5. (a) Was injury caused to any person?  
(b) If so, the injured person's name  
Address  
Sex Age Caste
- \*6. Usual occupation of injured person
7. Date and hour of accident
8. Hour at which started work on day of accident
9. Cause of accident (a)  
If caused by machinery give :—  
(b) Name of machine and part causing accident. (b)  
(c) State whether it was moved by mechanical power at the time. (c)  
\*(d) State exactly what injured person was doing at the time. (d)

\*10. Describe fully nature and extent of injuries, e.g., fatal, loss of finger, etc.

\*11. If accident not fatal, state whether injured person was disabled for 48 hours (see section 30 of Act XXV of 1934).

12. Has duplicate copy of this return been kept?

13. Under whose treatment is injured person?

Date

Signature of Occupier, Manager or Agent.

\*Not to be used when no injury has been caused to any person.

**(See Rule 68)**

# REGISTER OF FACTORIES

## Part I—Non-seasonal

## Part II—Seasonal

Year 19 .

[illegible]

**FORM K.**

(See rule 72.)

**Certificate for Stability of Buildings.**

This is to certify that (a) buildings

(b) part of the buildings

marked

in the attached plans, which have been prepared under the personal supervision and bear the signature of the undersigned,

(1) were erected and completed

(2) are to be taken into use

as a factory for the manufacture of

situated at

(full details of survey of

plot No. and postal address required)

the property of

have been personally examined by the undersigned, and, from calculations made, examination of the various materials used, and of the workmanship employed, the undersigned is satisfied that the strength of the aforesaid

buildings  
part of a building is not less than that required by sound engineering practice and Government Resolution, General Department, No. 5646, dated 4th January 1926, as amended by Government Resolution, Political Department, No. 9112, dated 19th August 1932. The undersigned is also satisfied that the foundations, floors, columns, stanchions, walls, or other portions supporting machinery, plant, shafting, or tanks are strong enough to support such machinery, plant, shafting or tanks with safety.

(Signature)

(Qualifications)

**FORM L.**

(See rule 76.)

**ABSTRACT OF THE FACTORIES ACT, 1934, AND THE  
BOMBAY FACTORIES RULES, 1935.**

(To be fixed in a conspicuous place near the main entrance.)

**Non-Seasonal Factories.**

1 No adult worker shall be allowed to work in any factory for more than ten hours in any day.

2. No adult worker shall be allowed to work in any non-continuous process factory for more than fifty-four hours in any week or for more than fifty-six hours in a continuous process factory.

3. No child shall be allowed to work in any factory for more than five hours in any day. (This also applies to adolescents who have not received a certificate of fitness to work as adults.)

4. Unless otherwise notified no woman or child shall be allowed to work before or after the hours noted below. (Male adolescents may only be so employed if they are in possession of a certificate of fitness to work as an adult and either carry the certificate or a token giving reference to the certificate) :—

From November 1st to March 31st inclusive .. ..	{	before 6-30 a.m. and after 7-30 p.m.
From April 1st to October 31st inclusive .. ..		before 6-00 a.m. and after 7-00 p.m.

5. There must be fixed for every worker on each working day—

- (a) either an interval for rest of at least one hour's duration before more than six hours' work ; or
- (b) an interval for rest of at least half an hour's duration before more than five hours' work ; or two half hour intervals before more than eight and half hours' work and no period of work shall exceed five hours.

6. No worker shall be allowed to work in any factory on a Sunday, unless—

- (a) he has had, or will have, a holiday for a whole day on one of the three days immediately before or after that Sunday, and
- (b) the manager of the factory has before that Sunday or the substituted day whichever is earlier, delivered notice to the office of the Inspector of his intention to require the worker to work on the Sunday and of the day which is to be substituted, and displayed a notice to that effect in the factory :

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

7. The periods of work together with intervals for rest shall not spread over more than,—

- (a) thirteen hours in any day for an adult ;
- (b) seven and half hours in any day for a child.

8. No child or adolescent shall be allowed to work in any factory unless he is in possession of a certificate granted under section 52 (2) and while at work carries a token giving reference to the certificate. (An adolescent who has not been granted a certificate of fitness to work in a factory as an adult shall, notwithstanding his age, be deemed to be a child.)

9. No person shall employ or permit to be employed in any factory any child or, except in prescribed circumstances, any other worker whom he knows, or has reason to believe, to have already been employed on the same day in any other factory.
10. A register in Form D or D-1 as the case may be must be kept for all workers employed in every factory unless the Provincial Government or the Inspector specially grants exemption from the maintenance of this register by written order.
11. The notice required by sections 39 and 55 shall be written in Form C or C-1 as the case may be and shall be posted in a conspicuous place near the main entrance of the factory.
12. Every factory shall be suitably and sufficiently lighted by safe methods.
13. (a) In every factory there shall be maintained a free, sufficient and suitable supply of drinking water ;  
(b) In every factory stores of first-aid appliances shall be maintained for the use and free treatment of injured persons ;  
(c) In factories in which workers come in contact with injurious or obnoxious substances suitable washing accommodation shall be maintained.
14. Every factory shall be provided with latrine accommodation. If females are employed, separate screened and marked latrines and urinals shall be provided.
15. Unless specially exempted factories must be lime-washed each year and the date recorded in Form F.
16. Any person who smokes or uses a naked light, or causes or permits any such light to be used, in the immediate vicinity of any inflammable material in contravention of section 66 shall be punishable with fine which may extend to five hundred rupees.
17. All accidents within the scope of section 30 must be reported as required by rules 57 to 62.
18. All structural collapses, the breakage of ropes, chains or other lifting gear, and fires in cotton openers, must be reported in accordance with rule 62, that is, whether injury is caused or not.
19. No woman, adolescent or child shall be employed on lead processes save in accordance with the Hazardous Occupations (Lead) Rules, 1937.
20. Exceptions—  
(a) Chapter IV does not apply to clerks, time-keepers or accountants or to persons included in the Schedule in rule 77.  
(b) Sections 34, 35, 36, 37, 38, 39 and 40 do not apply to any work or classes of persons specifically exempted by the Provincial Government under the provisions of

- section 43 (2), to the extent specified in Appendix.III.
- (c) Sections 34, 35, 36, 37, 38, 39 and 40 do not apply to factories specifically exempted by the Provincial Government under the provisions of section 44 (2) to the extent noted in the exemption order.
- (d) No woman under any circumstances shall be employed for more than ten hours in any one day.

21. All persons who exceed fifty-four hours' work a week but not more than sixty hours under any exemption granted in factories other than those employed on continuous production work for technical reasons and all persons who exceed fifty-six hours' work a week but not more than sixty hours employed on continuous production work for technical reasons, shall be paid for the overtime at a rate at least one and a quarter times the normal rate. All persons who exceed sixty hours of work a week as above, or exceed ten hours a day, shall be paid overtime at least one and half times the normal rate.

Chief Inspector of Factories.

#### FORM M.

(See rule 76.)

#### ABSTRACT OF THE FACTORIES ACT, 1934, AND THE BOMBAY FACTORIES RULES, 1935.

(To be fixed in a conspicuous place near the main entrance.)  
Seasonal Factories.

1. (a) No male adult worker shall be allowed to work in any factory for more than eleven hours in any day.
- (b) No female adult worker shall be allowed to work in any factory for more than ten hours in any day.
2. No adult worker shall be allowed to work in any factory for more than sixty hours in any week.
3. No child shall be allowed to work in any factory for more than five hours in any day. (This also applies to adolescents who have not received a certificate of fitness to work as adults.)
4. No woman or child shall be allowed to work before or after the hours noted below. (Male adolescents may only be so employed if they are in possession of a certificate of fitness to work as an adult and carry a token giving reference to the certificate) :—

From November 1st to March 31st	{	before 6-30 a.m.
inclusive .. ..		and
		after 7-30 p.m.



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From April 1st to October 31st inclusive

5. There must be fixed for every worker on each working day :—

{ before 6-00 a.m.  
and  
after 7-00 p.m.

- (a) either an interval for rest of at least one hour's duration before more than six hours' work ; or
- (b) an interval for rest of at least half an hour's duration before more than five hours' work or two half hour intervals before more than eight and half hours' work and no period of work shall exceed five hours.

6. No worker shall be allowed to work in any factory on a Sunday unless :—

- (a) he has had or will have, a holiday for a whole day on one of the three days immediately before or after that Sunday, and
- (b) the manager of the factory has before that Sunday or the substituted day, which ever is earlier, delivered notice to the office of the Inspector of his intention to require the worker to work on the Sunday and of the day which is to be substituted and displayed a notice to that effect in the factory :

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

7. The periods of work together with intervals for rest shall not spread over more than :—

- (a) thirteen hours in any day for an adult,
  - (b) seven and half hours in any day for a child.
8. No child or adolescent shall be allowed to work in any factory unless he is in possession of a certificate granted under section 52 (2) and while at work carries a token giving reference to the certificate. (An adolescent who has not been granted a certificate of fitness to work in a factory as an adult, shall, notwithstanding his age, be deemed to be a child.)

9. No person shall employ or permit to be employed in any factory any child, or, except in prescribed circumstances, any other worker whom he knows, or has reason to believe, to have already been employed on the same day in any other factory.

10. A register in Form D or D-1 as the case may be must be kept for all workers employed in every factory unless the Provincial Government or the Inspector specially grants exemption from the maintenance of this register by written order.

11. The notice required by sections 39 and 55 shall be written in Form C or C-1 as the case may be, and shall be posted in a conspicuous place near the main entrance of the factory.

12. Every factory shall be suitably and sufficiently lighted by safe methods. Cotton ginning factories must not be lighted by lamps burning vapour under pressure and if candles are used they must be in satisfactory glass lanterns and at least one per 2 gins used.

13. (a) In every factory there shall be maintained a free, sufficient and suitable supply of drinking water ;

(b) In every factory stores of first-aid appliances shall be maintained for the use and free treatment of injured persons ;

(c) In factories in which workers come in contact with injurious or obnoxious substances suitable washing accommodation shall be maintained.

14. Every factory shall be provided with latrine accommodation. If females are employed, separate screened and marked latrines and urinals shall be provided.

15. Unless specially exempted, factories must be lime-washed each year and the date recorded in Form F.

16. Any person who smokes or uses a naked light, or causes or permits any such light to be used, in the immediate vicinity of any inflammable material in contravention of section 66 shall be punishable with fine which may extend to five hundred rupees.

17. All accidents within the scope of section 30 must be reported as required by rules 57 to 62.

18. All structural collapses, the breakage of ropes, chains or other lifting gear and fires in cotton openers, must be reported in accordance with rule 62, that is, whether injury is caused or not.

#### **Exceptions**

19. (a) Chapter IV does not apply to clerks, time-keepers or accountants or to persons included in the Schedule in rule 77.

(b) Sections 34, 35, 36, 37, 38, 39 and 40 do not apply to any work or classes of persons specifically exempted by the Provincial Government under the provisions of section 43 (2), to the extent specified in Appendix III.

(c) Sections 34, 35, 36, 37, 38, 39 and 40 do not apply to factories specifically exempted by the Provincial Government under the provisions of section 44 (2) to the extent noted in the exemption order.

(d) No woman under any circumstances shall be employed for more than ten hours in any one day.

*Chief Inspector of Factories*

(See Rule 91.)

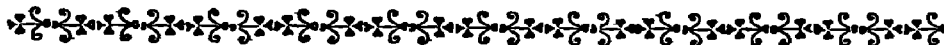
Month ending

LABOUR AND FACTORY LEGISLATION

## FORM O.

(See Rule 88.)

Certificate.



1. Serial No.

Date

2. Name

3. Father's name

4. Sex and caste or religion

5. Residence

6. Age certified

7. Physical fitness

as a child  
an adult

8. Distinctive marks

9. \*Reason for—

(1) refusal of certificate

or

(2) certificate being revoked.

Thumb impression

Initials of Certifying Surgeon.

*Note.*—Exact details of cause of physical disability should be clearly stated.

Serial No.

Date

I hereby certify that I have personally examined (name)

son of \_\_\_\_\_, (Caste, etc.) \_\_\_\_\_, residing at \_\_\_\_\_ who is  
 Daughter
desirous of being employed in a factory, and that his age, as nearly as canbe ascertained from my examination, is \_\_\_\_\_ years, and that he is fitfor employment as a child in a factory. His descriptive marks are  
 an adult Her

Thumb impression.

Certifying Surgeon.

FORM P.

(See rule 90.)

Register of fee paid for the issue of duplicate certificates  
under section 52 of the Factories Act, 1934.

Date	Serial No.	No. of previous certificate	Name of person to whom granted	Initial of Certifying Surgeon

Paid into Treasury.

Date

Signature of Certifying Surgeon.

APPENDIX I.

(See rule 25.)

Directions for the use of Kata Thermometers.

Object

Measurement of the cooling properties of the air exerted on its surface at approximately body temperature (36.5°C.) in millicalories  $\frac{1}{1000}$  gramme calories per sq. cm. per sec. The wet kata gives the cooling properties by radiation, convection and evaporation.

**To take "wet" readings**

Heat the bulb with its silk net finger stall on in warm water (a thermos flask is convenient) till the spirit rises into the top bulb, and the column is free from bubbles. Never leave the instrument in hot water, for it will burst if the spirit fills the top bulb. Remove excess of water from the bottom of the bulb either by a cloth or by a gentle flick of the thermometer (the same method should always be used) and hold the instrument by the stem well away from the body at about 5 feet from the floor. Take the time in seconds taken by the spirit column in falling from 100° to 95° F. A stop watch is most convenient. Take three to five readings and the average of these. Always neglect the first reading of all.

**The Factor**

The factor of each instrument is inscribed on the stem prefixed by F. Divide the factor by the average time of cooling in seconds. The result gives the cooling properties in millicalories per sq. cm. per sec.

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**APPENDIX II.**

(See rule 67.)

**PROVISION AND CUSTODY OF FIRST-AID APPLIANCES.**

[Sections 32 (b) and 32 (g).]

(1) (a) There shall be provided and maintained so as to be readily accessible a first-aid box or cupboard of the perscribed standard [see (2) beow], and where more than one hundred and fifty workers are employed, an additional box or cupboard for every additional one hundred and fifty workers.

The number of first-aid boxes or cupboards required under this provision shall be calculated on the largest number of workers employed at any one time, and fractions of one hundred and fifty shall be reckoned as one hundred and fifty. Where the workers are employed in shifts the calculation of the number employed shall be according to the largest number at work at any one time.

(b) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or cupboard.

(c) Keys of each first-aid box or cupboard shall be in charge of the Manager, who shall ensure that duplicate keys are maintained and readily available in the departments in which boxes or cupboards are kept during all working hours :

Provided that if an ambulance room or a dispensary with facilities for the adequate treatment of injured cases is maintained the Inspector may by written certificate exempt the factory from the requirements of rule 67 to such extent and subject to such conditions as he may specify: Provided further that where the employees of a factory are not exposed to a serious risk of accident, the Inspector may, by written certificate, exempt the factory from the requirements of rule 67 to such extent as he may specify but no certificate shall totally exempt any factory from the necessity of maintaining first-aid appliances.

(2) Prescribed standards:—

(a) For factories employing more than 9 but less than 21 workers—

each first-aid box or cupboard shall contain—

- (i) printed instructions in English and in the regional languages for the treatment of different types of injuries;
- (ii) a sufficient number (not less than six) of small sterilised dressings for injured fingers;
- (iii) a sufficient number (not less than three) of medium size sterilised dressings for injured hands or feet;
- (iv) a sufficient number (not less than three) of large sterilised dressings for other injured parts;
- (v) a sufficient number of sterilised burn dressings (small and large);
- (vi) a two per cent. alcoholic solution of iodine or a one per cent. aqueous solution of gentian violet;
- (vii) a bottle of sal volatile, having the dose and mode of administration indicated on the label;
- (viii) eye drops.

(b) For factories employing more than 20 but less than 51 workers—

each first aid box or cupboard shall contain at least—

- (i) Printed instructions in English and in the regional languages for the treatment of different types of injuries.
- (ii) A sufficient number (not less than a dozen) of small sterilised dressings for injured fingers.
- (iii) A sufficient number (not less than six) of medium sterilised dressings for injured hands or feet.
- (iv) A sufficient number (not less than six) of large sterilised dressings for other injured parts.
- (v) A sufficient number of sterilised burn dressings (small and large).

- (vi) A sufficient supply of sterilised cotton wool, in  $\frac{1}{2}$  oz. packets.
- (vii) A two per cent. alcoholic solution of iodine.
- (viii) A bottle of sal volatile, having the dose and mode of administration indicated on the label.
- (ix) Eye drops.
- (x) A supply of suitable splints and cotton wool or other material for padding.
- (xi) A supply of adhesive plaster.
- (xii) A tourniquet.
- (xiii) Six roller bandages.
- (xiv) Three triangular bandages.
- (xv) Safety pins.

Provided that items (x) to (xv) inclusive need not be included in the standard first aid box or cupboard (a) where there is a properly equipped ambulance room, or (b) if at least one box containing such items and placed and maintained in accordance with the requirements of rule 67 is separately provided.

Each first aid box or cupboard shall be distinctively marked with the words "First Aid."

(c) For factories employing more than 50 workers—  
each first-aid box or cupboard shall contain at least—

- (i) Printed instructions in English and in the regional languages for the treatment of different types of injuries.
- (ii) A sufficient number (not less than two dozens) of small sterilised dressings for injured fingers.
- (iii) A sufficient number (not less than one dozen) of medium size sterilized dressings for injured hands or feet.
- (iv) A sufficient number (not less than one dozen) of large sterilised dressings for other injured parts.
- (v) A sufficient number of sterilised burn dressings (small and large.)
- (vi) A sufficient supply of sterilised cotton wool, in  $\frac{1}{2}$  oz. packets.
- (vii) A two per cent. alcoholic solution of iodine.
- (viii) A bottle of sal volatile, having the dose and mode of administration indicated on the label.
- (ix) Eye drops.
- (x) A supply of suitable splints and cotton wool or other material for padding.
- (xi) A supply of adhesive plaster.
- (xii) A tourniquet.
- (xiii) One dozen roller bandages.



- (xiv) Half a dozen triangular bandages.
  - (xv) Safety pins.
- Provided that items (x) to (xv) inclusive need not be included in the standard first-aid box or cupboard (a) where there is a properly equipped ambulance room, or (b) if at least one box containing such items and placed and maintained in accordance with the requirements of rule 67 is separately provided.
- Each first-aid box or cupboard shall be distinctly marked with the words "First-Aid."
- (d) For factories in which owing to the nature of the manufacturing process additional materials are necessary for the treatment of injuries, such additional materials shall be maintained as the Inspector may by written order require.
  - (e) All materials for dressings contained in first-aid boxes or cupboards shall be those designated in and of a grade or quality not lower than the standard prescribed by the British Pharmaceutical Codex, 1923.
  - (3) Notices in Gujarathi, Marathi, Kanarese or Urdu in Form hereto shall be affixed and maintained in every workroom, stating the nearest first-aid box or cupboard in respect of that room also warning workers of the dangers of neglecting even small injuries and urging them to obtain proper treatment. The Form may be obtained from the Chief Inspector, Bombay, and the Senior Inspector of Factories, Ahmedabad.
  - (4) Arrangements shall be made to replace as soon as possible articles used from first-aid boxes or cupboards from a reserve supply.

#### NOTICE (FORM).

*It is dangerous to neglect injuries*

Without proper care, blood poisoning or infection with serious consequences may result from slight injuries, such as cuts, punctures, scratches, splinters, burns, etc.

Workmen are urged to get proper attention to all such injuries and to report at once to their immediate superiors and the First-Aid Officer.

The nearest first-aid box is in

## APPENDIX III\*

(See Rule 80)

## ADULT WORKERS EXEMPTED FROM CERTAIN RESTRICTIONS ON WORKING HOURS

Section of the Act empowering grant of exemption.	Class of Factory.	Nature of exempted work.	Extent of exemption	Conditions.
1	2	3	4	5
43 (2) (a) and 43 (3)	1. All factories	Urgent repairs	Sections 31, 35, 36, 37, 38, 39 and 40.	<p>Unless the Inspector gives permission in writing for reporting, otherwise than as herein laid down, the employment of persons on urgent repairs, the manager—</p> <p>(i) Shall send within twenty-four hours of the commencement of work on urgent repairs, written notice to the Inspector describing briefly the nature of the urgent repairs and the probable period of their duration, and</p> <p>(ii) Shall send weekly during the continuance of the work on urgent repairs a statement giving the names of all persons who have worked for more than ten hours on any day or more than fifty-four hours of the preceding week in a non-seasonal factory or more than sixty hours of the preceding week in a seasonal factory, showing the total number of hours worked each day in the week.</p>

43 (2) (h)

2. All non-seasonal factories other than those engaged in continuous process.

(i) Work performed by engine drivers.

Section 37.

Do.

(ii) Work performed by ordinary premises work boiler, and work performed by all engine drivers.

Do

Do.

3. All seasonal factories other than those employed on continuous process.

43 (2) (b) and 43 (i)

1. All factories other than those employed on continuous process.

Work performed by all workers in the engine room and boiler house.

Do

Work performed by workers employed in the engine room or boiler house (See also exemption No. 1)

Sections 31, 36, 37 and 38 and from sections 39 and 40 provided the register or muster roll required by section 11 is maintained up to date and correct. Giving the particulars of periods within which such workers may be required to work.

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(a) Such workers shall receive two holidays in each period covered by four consecutive statutory factory holidays and shall not be allowed to work for more than six hours on the other two weekly holidays; must be delivered to the office of the Inspector showing on which days holidays will be observed.

(a) Such workers shall receive two holidays in each period covered by four consecutive statutory factory holidays and shall not be allowed to work for more than six hours on the other two weekly holidays; must be delivered to the office of the Inspector showing on which days holidays will be observed.

(b) The notice required by section 35 must be delivered to the office of the Inspector showing on which days holidays will be observed.

No worker shall be allowed to work more than six hours on the weekly holidays.

(a) The intervals for food and rest shall be given to all workers allowed to work on such work;

(b) no worker shall be allowed to work for more than sixty hours of any one week in a non-seasonal factory or for more than sixty-six hours of any one week in a seasonal factory;

\* Note.—The attention of Managers of all factories is drawn to section 17 and rule 81 regarding payments for overtime work of exempted workers.

Section of the Act empowering grant of exemption.	Class of Factory.	Nature of exempted work.	Extent of exemption.	Conditions.
1	2	3	4	5
13 (2) (b) and 43 (3).	All factories other than those employed on continuous processes.	Work performed by night firemen during periods when the main departments of the factory are not working.		<p>(c) no worker shall be allowed to work more than—</p> <p>(i) eleven hours in any one day in factories which work main machinery nine hours a day;</p> <p>(ii) twelve hours in any one day in non-seasonal factories which work main machinery ten hours a day or for more than six hours on the day on which such factories work machinery only four hours;</p> <p>(iii) thirteen hours in seasonal factories working main machinery eleven hours a day or for more than seven hours on the day when such factories work machinery five hours or less;</p> <p>(iv) twelve hours in seasonal factories working main machinery ten hours a day;</p> <p>(d) no woman shall be allowed to work more than ten hours a day;</p> <p>(e) in seasonal factories which work main machinery eleven hours a day no workers shall be allowed to work in such a manner that the spread-over exceeds fourteen hours in any one day.</p> <p><i>Note.</i>—Workers in other factories are not exempted from section 38.</p> <p>No worker shall be allowed to work more than sixty-six hours in any one week in a non-seasonal factory, or for more than seventy-two hours in any one week in a seasonal factory.</p>
			Sections 34, 36, 37 and 38 and from sections 39 and 40 provided the "spread-over" does not exceed fourteen hours and is shown correctly in the D register or muster-roll required by section 41.	

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43 (2) (c) and 13 (3)	6. All non-seasonal factories.	Work performed by drivers, on lighting, ventilating and humiditying apparatus.	Section 31, 36 and 37 and from the register and muster roll maintained by Section 11 is correctly giving particulars of periods within which such workers may be required to work. Sections 31, 36 and 37 and from the register and muster roll maintained by Section 11 is correctly giving particulars of periods within which such workers may be required to work. Sections 31, 36 and 37	No worker shall be allowed to work for more than— (a) twelve hours in any one day; (b) sixty-six hours in any one week; (c) intervals for food and rest shall be given to all such workers.
43 (2) (c)	7. (i) Cotton spinning and weaving mills.	Work performed by fire pumpmen.		No worker shall be allowed to work for more than sixty-six hours in any one week.
43 (2) (b)	Do.	Work involved in clearing blow room flues.		No worker shall be allowed to work for more than sixty-six hours in any one week.
43 (2) (c)	8. Dyeing and bleaching factories or departments.	Work performed by fire pumpmen.	Sections 31, 36 and 37	(a) No worker shall be allowed to work for more than fifty-seven hours in any one week; (b) the spreadover shall not exceed fourteen hours in any one day. (c) No worker shall be allowed to work more than sixty-six hours in any one week; (d) no worker shall be allowed to work more than— (a) eleven hours in any one day in factories which work machinery nine hours a day; or (b) twelve hours in any one day in factories which work machinery ten hours a day or more than six on days when main machinery works four hours; totalling one hour shall be given every day and the register or muster roll maintained in accordance with section 41 shall show correct- worker the periods of work of each

## LABOUR AND FACTORY LEGISLATION

Section of the Act empowering grant of exemption.	Class of Factory.	Nature of exempted work.	Extent of exemption.	Conditions.
1	2	3	4	5.
43 (2) (d)	.. 9. Cloth printing departments	All work	Section 37 ..	..
Do.	.. 9A. Bleaching and Dyeing Departments worked on shifts of not longer than 8½ hours' duration.	Do.	Do. ..	An unspecified rest period of half an hour shall be given to each worker.
43 (2) (c) and 43 (3) ..	10. (i) All factories other than cotton spinning and weaving mills.	Work performed by fire pumpmen.	Sections 31, 36 and 37 and from sections 39 and 40 provided the register or muster-roll required by section 41 is maintained up to date and correctly giving particulars of periods within which such workers may be required to work.	No worker shall be allowed to work for more than— (i) sixty-six hours in any one week in a non-seasonal factory; or (ii) seventy-two hours in any one week in a seasonal factory. No worker shall be allowed to work— (a) in a seasonal factory more than 72 hours in any one week or for more than 12 hours in any one day; (b) in a non-seasonal factory more than 66 hours in any one week or for more than 12 hours in any one day.
43 (2) (b)	.. (ii) Do.	(a) Work performed by oilers, and (b) Work in mechanic shops, smithies or foundries so far as such work is complementary to the main operations.	Sections 31 and 36.	<i>Provided that this exemption shall not apply—</i> (i) in the case of work performed by oilers, where these workers or the

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43 (2) (d) and 43 (3)

11. Oil tank installations.  
Work performed by workers in connection with pumping operations.

factories in which they work have been exempted from the provision of section 35 or 37; and smithy or foundry portion of engineering workshops or to a smithy or foundry used solely as such.

Sections 34, 35, 36, 37 and 38 and from compliance with section 39 and in during the continuation of pumping operations, in respect of such workers

- (ii) to the work in the mechanic shop, smithy or foundry portion of engineering workshops or to a smithy or foundry used solely as such.
- (a) Sufficient intervals for rest and food are given.
- (b) No worker is allowed to work more than sixty-six hours in any one week.
- (c) A compensatory rest period of at least twenty-four consecutive hours is given to each worker after the creation of the pumping operations.
- (d) Notice of such pumping operations, with the number of workers employed in work shall be sent to the Inspector as soon as possible after commencement of such work.
- (e) The workers engaged on continuous processes shall ordinarily work on eight hour shifts.
- (f) Each worker shall have a rest period of at least 24 hours' duration on an average once per fortnight and as far as possible on every fourteenth day except where temporary difficulties prevent it.

43 (2) (d)

12. Hydro-electric public supply factories.  
Operation and maintenance of prime movers and auxiliaries, transformers and switches.

Sections 35, 36 and 37

Do.

13. Public electric supply companies generating electricity from oil in internal combustion engines.

The work of engine drivers and assistants, generator attendants, oilers and greasers, switch board operators and pumpmen.

Do.

14. Public electric supply companies generating electricity from oil or coal fired boilers.

The work of the firemen and assistants engine attendants, generator pumpmen and switch board operators.

Do.

Do.

Do

Do

Section of the Act empowering grant of exemption.		Class of Factory.	Nature of exempted work.	Extent of exemption.	Conditions.
1	2	3	4	5	6
43 (2) (d)	..	15. Electrical transform- ing factories.	The work, viz., operation and maintenance of the transforming plant, switches and synchro- nous condensers.	Sections 35, 36 and 37	.. in exemption No. 12.
Do.	..	16. Distilleries	Work on the extraction of sugar from various bases, fermentation of sugar juice and distil- lation of fermented wash.	Do.	(a) The workers engaged on continu- ous processes shall ordinarily work on 8-hour shifts. (b) Each worker shall receive a rest period of at least 2½ consecutive hours in at least each 14 days.
Do.	..	17. Sugar factories	Extraction of the juice from the cane, clarifi- cation, evaporation and boiling of the juice. Curing of the mas- culle, bagging.	Do.	.. in exemption No. 16.
Do.	..	18. Chemical factories.	Work on the sulphur burners, chambers, concentrators and pumps, the manufac- ture of hydrochloric and nitric acids, sul- phates sulphides, in- trates and superphos- phates.	Do.	Do
Do.	..	19. Vegetable and oil hydrogenation fac- tories.	Work on the steam ser- vice. The work, viz., refining, bleaching, filtering, hydrogenating and de- oxidizing processes and also the compression of oxygen and the filling of cylinders.	Do.	Do



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Do.	.. 20. Magnesium chloride factories.	The work on concentrating process.	Do.	Do.	Do.
Do.	.. 21. Municipal pumping stations, and compressor stations.	All work	Do.	Do.	Do.
Do.	.. 22. Train gas lighting factories of railways.	Do.	Do.	Do.	Do.
Do.	.. 23. Water supply pumping factories of railway way workshops.	Do.	Do.	Do.	Do.
Do.	.. 24. Ice factories	..	Do.	Do.	Do.
Do.	.. 25. Cathodic acid gas works	.. Work of the engine and compressor drivers and assistants and others.	Do.	Do.	Do.
Do.	.. 25A. Carbonic acid gas solidification works	Work of firemen, pumpmen, plant drivers, oilers and the filling of cylinders.	Do.	Do.	Do.
Do.	.. 26. Oxygen factories	All work except picking blocks	Do.	Do.	Do.
Do.	.. 27. The Silver refinery at the Bombay Mint	Engine and plant drivers, oilers and the filling of cylinders.	Do.	Do.	Do.
Do.	.. 28. Coal gas factories	All work.	Do.	Do.	Do.
		All work in the retort house and on the water gas plant. Work of in unloading stuff feeding hoppers, coal removing hoppers, and on the siphons, boilers, station meters and governors	Do.	Do.	Do.

Conditions (a) and (b) to Exemption No. 16, and (c) The exemption for the said labourers only, who shall as far as possible receive compensatory holidays.

Section of the Act empowering grant of exemption.	Class of Factory.	Nature of exempted work.	Extent of exemption.	Conditions.
1	2	3	4	5
43 (2) (d)	.. 29. Oil mills (working on 3 eight-hour shift system).	All work.	.. Sections 36 and 37	.. Workers shall ordinarily be allowed to work on eight hour-shifts.
Do.	.. 30. Oil mills (working on the 2-shift or single shift system).	Do.	.. Section 37	..
Do.	.. 31. (i) Flour mills	Do.	.. Do.	..
43 (2) (b)	. (ii) Do.	Cleaning, overhaul and repair of flour mill machinery.	Section 34	.. No worker is allowed to work more than six hours in a week on this work and that no worker shall be en- gaged thereon who has worked on a night shift in the previous week.
Do.	.. 32. (i) Gur factories.	The work performed by workers in crushing sugarcane.	Sections 34 and 37	.. No worker shall be allowed to work more than six hours in any one week.
43 (2) (c) and 44 (i)	(ii) Do.	All other work except in crushing sugarcane.	Sections 34, 36, 37, 39, and 41.	A notice showing the hours of work of the crusher shall be exhibited in the factory and a copy sent to the Inspector.
43 (2) (d)	.. 33. Cement tile fac- tories.	Work on the "curing" of tiles.	Section 35	.. (a) No worker is allowed to work for more than four hours on the week- ly holiday. (b) No worker is allowed to work on consecutive weekly holidays. (c) No worker is allowed to work for more than 56 hours in any one week.

LABOUR AND FACTORY LEGISLATION

[illegible]

Section of the Act Empowering grant of exemption.	1	2	3	4	5
	Class of Factory.	Nature of exempted work.	Extent of exemption.	Conditions.	
13 (2) (d)	40. Glycerine factories	All continuous process work.	Sections 35, 36 and 37	As in Exemption No. 16.	
Do.	41. Rubber Tyre fac- tories.	All works on curing processes.	Section 37	..	
Do.	42. Dextrine Manufac- turing factories.	All work on continuous process.	Do.	Do	
Do.	43. Acetylene factories.	Generation of gas and filling of cylinders.	Sections 35, 36 and 37	Do	
Do.	44. Iron and Steel fac- tories.	All work on steel fur- naces.	Sections 31, 35, 36, 37 and 38. ..	Do	
Do.	45. Sodium and Potas- sium Bichromate fac- tories.	Work on furnace and crystallizers.	Section 37	...	
Do.	46. Starch factories working on 8 hour shifts.	All work except the engineering department and workshop.	Sections 15, 16 and 17	Do	
Do.	47. Potassium Chlorate factories.	Work in the sub-station and cell rooms.	Do.	Do	

LABOUR AND FACTORY LEGISLATION  
POLITICAL AND SERVICES DEPARTMENT  
BOMBAY CASTLE, 14TH JUNE 1938

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Factories Act, XXV of 1934  
No. 1262/34.—In exercise of the powers conferred by clause (g) of section 32 and sub-section (2) of section 33 of the Factories Act, 1934 (XXV of 1934), the Government of Bombay is pleased to make the following Rules the same having been previously published as required by sub-section (1) of section 79 of the said Act :

ROOMS FOR CHILDREN

1. The occupier of every factory other than a seasonal factory wherein more than 100 women workers are ordinarily employed and which may be specified hereafter by a notification in this behalf shall provide a suitable room or rooms for the use of children below the age of six years belonging to such women. Such children shall not be refused admission to such portions of the factory premises
2. These rooms shall comply with the following conditions:—
  - (a) In every such room sufficient floor space shall be provided for each child accompanying such women. The Chief Inspector of Factories may, if he considers the floor space to be insufficient, serve on the manager an order requiring further accommodation within three months of the order.
  - (b) The height of the roof of every such room measured to its lowest part shall be at least ten feet from the floor.
  - (c) Every such room shall be well lighted and ventilated and built of heat resisting materials.
  - (d) The structure of every such room shall be waterproof and damp proof and shall be maintained in a clean condition.
3. The use of every such room shall be restricted to children, their attendants, and mothers of children.
4. The occupier shall provide in such rooms proper sanitary utensils and a sufficient supply of hot and cold water or a sufficient supply of water with adequate facilities for heating the same.
5. The occupier shall employ a "trained nurse" and a female servant for attending to the children occupying such rooms, and either such nurse or servant shall always be present in such rooms during the hours when women are employed in the factory.

From 1st May 1939 "a trained nurse" shall be one certified to have taken a six months' training course in any Maternity Home or Child Welfare Centre approved as satisfactory for this purpose by the Chief Inspector of Factories.

BOMBAY CASTLE, 30TH JULY 1938

Factories Act, XXV of 1934

No. 1262/34.—The Government of Bombay is pleased to specify, with effect from the 15th day of August 1938, the factories mentioned in the schedule hereto, for the purposes of rule 1 of the rules made under section 32 (g) and section 33 (2) of the Factories Act, 1934 (XXV of 1934) and published in Government Notification in the Political and Services Department, No. 1262/34, dated the 14th June 1938 :—

### SCHEDULE

#### FACTORIES.

#### TOWN AND ISLAND OF BOMBAY.

##### Cotton Spinning and Weaving.

1. Alexandra Mills, Limited.
2. Apollo Mills, Limited, No. 3.
3. Bombay Cotton Manufacturing Company, Limited.
4. Bombay Dyeing and Manufacturing Company, Limited (Spring Mills).
5. Bombay Dyeing and Manufacturing Company, Limited (Textile Mills).
6. Bombay Suryodaya Mills, Limited.
7. Bradbury Mills, Limited.
8. Century Spinning and Manufacturing Company, Limited.
9. Crown Spinning and Manufacturing Company, Limited.
10. Colaba Land and Mill Company, Limited.
11. Dawn Mills Company, Limited.
12. Dhanraj Mills, Limited.
13. Digvijay Spinning and Weaving Company, Limited.
14. Edward Sassoon Mills, Limited.
15. Elphinstone Spinning and Weaving Mills Company, Limited.
16. Finlay Mills Company, Limited.
17. Gold Mohur Mills, Limited.
18. Hindustan Spinning and Weaving Company, Limited.
19. Hirji Mills Company, Limited.
20. Indian Manufacturing Company, Limited.
21. Jacob Sassoon Mills, Limited.
22. Jam Manufacturing Company, Limited No. 1.

23. Jam Manufacturing Company, Limited, No. 2.
24. Jehangir Wadia Mills, Limited.
25. Jubilee Mills, Limited.
26. Kamala Mills, Limited.
27. Khatau Mackanji Spinning and Weaving Company, Limited.
28. Kohinoor Mills Company, Limited, No. 1.
29. Kohinoor Mills Company, Limited, No. 2.
30. Madhowji Dharmasi Manufacturing Company, Limited.
31. Meyer Sassoon Mills, Limited.
32. Moon Mills, Limited.
33. Morarji Goculdas Spinning and Weaving Company, Limited, No. 1.
34. Morarji Goculdas Spinning and Weaving Company, Limited, No. 2.
35. Modern Mills, Limited.
36. Madhusudan Mills, Limited.
37. New City of Bombay Manufacturing Company, Limited.
38. New China Mills, Limited.
39. New Kaiser-I-Hind Spinning and Weaving Company Limited.
40. Phoenix Mills, Limited.
41. New Great Eastern Spinning and Weaving Company Limited, No. 1.
42. New Pralhad Mills, Limited.
43. Raghuvamshi Mills, Limited.
44. Ruby Mills, Limited.
45. Sir Shapurji Broacha Mills, Limited (Empress No. 2).
46. Sassoon Spinning and Weaving Company, Limited (Empress No. 1).
47. Victoria Mills, Limited, No. II.
48. Simplex Mills Company, Limited.
49. Shree Ram Mills, Limited.
50. Standard Mills Company, Limited.
51. Shrinivas Cotton Mills, Limited.
52. Tata Mills, Limited.
53. Toyo Podar Cotton Mills, Limited.
54. New Union Mills, Limited, No. 1.
55. Victoria Mills, Limited.
56. Western India Spinning, Weaving and Manufacturing Company, Limited.
57. Zenith Mills, Limited.
58. Indian Woollen Mills, Limited.
59. Indian Woollen Mills, Limited.

**THANA DISTRICT.****Match Factories.**

\*60.

61. Western India Match Company, Limited.

**BOMBAY SUBURBAN DISTRICT****Cotton Spinning and Weaving.**

62. Swadeshi Mills, Company, Limited, No. I.  
63. Swadeshi Mills, Company, Limited, No. II.  
64. Coorla Spinning and Weaving Company, Limited.

**Match Factories.**

\*65.

\*66.

\*67.

**EAST KHANDESH DISTRICT****Cotton Spinning and Weaving**

68. Gendalal Mills, Limited.  
69. Khandesh Spinning and Weaving Mills.  
70. Pratap Spinning, Weaving and Manufacturing Company, Limited, No. I.  
71. Pratap Spinning, Weaving and Manufacturing Company, Limited, No. II.  
72. Chalisgaon Shri Laxmi Narayan Mills, Limited.

**WEST KHANDESH DISTRICT****Cotton Spinning and Weaving**

73. New Pratap Spinning, Weaving and Manufacturing Company, Limited.

**POONA DISTRICT**

74. Reay Paper Mills, Limited.

**SHOLAPUR DISTRICT****Cotton Spinning and Weaving**

75. Jam Shri Ranjitsinghji Mills, Limited.  
76. Laxmi Cotton Mills, Limited.  
77. Narsinggirji Manufacturing Company, Limited.

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\*Deleted, vide P. & S.D. Notification No. 1262/34 of 22nd November 1939.



78. Sholapur Spinning and Weaving Company, Limited, No. I.
79. Sholapur Spinning and Weaving Company, Limited, No. II.
80. Sholapur Spinning and Weaving Company, Limited, No. III.
81. Vishnu Cotton Mills, Limited.
82. Jayshankar Mills, Limited.
83. Lokmanya Mills, Limited.
84. Barsi Spinning and Weaving Mills, Limited.

#### BELGAUM DISTRICT

##### Cotton Spinning and Weaving

85. Gokak Mills, Limited, Nos. 1 and 2.

#### DHARWAR DISTRICT

##### Cotton Spinning and Weaving

86. Bharat Spinning and Weaving Mills, No. II.
87. Narayandas Chunilal Mills, Limited.

#### AHMEDABAD DISTRICT

##### Cotton Spinning and Weaving

88. Ahmedabad Advance Mills, Limited.
- \*89.
- †90. Maheshwari Mills, Limited, Ahmedabad.
91. Ahmedabad Cotton Manufacturing Company, Limited.
- \*92.
93. Ahmedabad Jubilee Spinning and Manufacturing Company, Limited, No. I.
94. Ahmedabad Jupiter Spinning, Weaving and Manufacturing Company, Limited.
95. Ahmedabad Kaiser-I-Hind Mills, Company, Limited.
96. Ahmedabad Manufacturing and Calico Printing Company, Limited, No. I.
97. Ahmedabad Laxmi Cotton Mills, Company, Limited.
- †98. Shri Anand Cotton Mills, Ahmedabad.
99. Ahmedabad New Textile Mills Company, Limited, No. I.
100. Ahmedabad Sarangpur Mills Company, Limited, No. I.
- \*101.
102. Anant Mills, Limited.
103. Aruna Mills, Limited.
104. Arvind Mills, Limited.
105. Aryodaya Gin and Manufacturing Company, Limited.

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\*Deleted, *vide* G.N., P. & S.D. No. 1202/31 of 14th April 1942.

†Name changed, *ibid*.

- 106. Aryodaya Spinning and Weaving Mills, Nos. 1 and 2.
- 107. Bechardas Spinning and Weaving Mills Company, Limited.
- 108. Bhalakia Mills Company, Limited.
- \*109.
- 110. Bharatkhand Textile Manufacturing Company, Limited,  
No. I.
- 111. City of Ahmedabad Spinning and Manufacturing Company,  
Limited.
- 112. Commercial Ahmedabad Mills Company, Limited.
- 113. Girdhardas Harivallabhdas Mills, Limited.
- 114. Gujerat Cotton Mills Company, Limited.
- 115. Gujerat Spinning and Weaving Company, Limited.
- 116. Gujerat Gin and Manufacturing Company, Limited, No. I.
- 117. Harivallabhdas Mulchand Mills Company, Limited.
- 118. Himabhai Manufacturing Company, Limited.
- 119. Jehangir Vakil Mills Company, Limited.
- 120. Kalyan Mills, Limited.
- 121. Lalbhai Tricumlal Mills, Limited.
- 122. Maneckchowk and Ahmedabad Manufacturing Company  
Limited, Nos. 1 and 2.
- 123. Maneklal Hiralal Spinning and Manufacturing Company,  
Limited, No. 1.
- 124. Marsden Spinning and Manufacturing Company, Limited.
- 125. Monogram Mills Company, Limited.
- \*126.
- 127. Nagri Mills, Company, Limited.
- 128. National Mills Company, Limited.
- 129. New Commercial Mills, Limited.
- 130. New Maneck Chowk Mills Spinning and Weaving Company,  
Limited.
- 131. New Swadeshi Mills of Ahmedabad, Limited.
- 132. Raipur Manufacturing Company, Limited.
- 133. Rajnagar Spinning, Weaving and Manufacturing Company,  
Limited, No. 2.
- 134. Rohit Mills, Limited.
- 135. Rustom Jehangir Vakil Mills Company, Limited.
- 136. Sarangpur Cotton Manufacturing Company, Limited, No. I.
- 137. Sarangpur Cotton Manufacturing Company, Limited, No. II.
- 138. Saraspur Mills, Limited.
- 139. Shorrock Spinning and Manufacturing Company, Limited.
- \*140.
- 141. Shri Ambica Mills, Limited.
- 142. Shri Vivekanand Mills, Limited.
- 143. Vikram Mills, Limited.
- \*144.

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\*Deleted *vide* G.N., P. & S.D., No. 1262/34 of 14th April 1942.

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145. Jayanti Mills, Limited.

KAIRA DISTRICT

Cotton Spinning and Weaving  
146. New Shorrock Spinning and Manufacturing Company,  
Limited.

BROACH AND PANCH MAHALS DISTRICT

Cotton Spinning and Weaving  
147. Broach Fine Counts Spinning Weaving Company, Limited.  
148. Gopal Mills, Limited, No. III.  
\*149.

SURAT DISTRICT

Cotton Spinning and Weaving  
150. Surat Cotton Spinning and Weaving Mills, Limited.

BOMBAY CASTLE, 31ST JANUARY 1939

Factories Act, XXV of 1934  
No. 1262/34.—The Government of Bombay is pleased to specify with effect from the 1st day of March 1939, the factories mentioned in the schedule hereto, for the purposes of rule 1 of the rules made under Section 32 (g) and Section 33 (2) of the Factories Act, 1934 (XXV of 1934), and published in Government Notification in the Political and Services Department No. 1262/34, dated the 14th June 1938 :—

SCHEDULE

FACTORIES

TOWN AND ISLAND OF BOMBAY

- Cotton Spinning and Weaving
1. David Mills, Limited.
  2. Seksaria Cotton Mills, Limited.
  3. Swan Mills, Limited.

AHMEDABAD DISTRICT

- Cotton Spinning and Weaving
- †1. Asarva Mills, Ahmedabad.

\*Deleted, vide G.N., P. & S.D., No. 1262/34 of 14th April 1942.  
†Added vide G.N., P. & S.D., No. 1262/34 of 31-1-1944.

- †2. Bharat Suryodaya Mills, Co., Limited.
- †3. Fine Knitting Company, Limited, Ahmedabad.
4. Asoka Mills, Limited.
5. Ahmedabad Jaya Bharat Cotton Mills, Company, Limited.
6. Ahmedabad New Cotton Mills Company, Limited.
7. Hathising Manufacturing Company, Limited.

BOMBAY CASTLE, 30TH SEPTEMBER 1939

**Factories Act, XXV of 1934**

No. 1262/34.—The Government of Bombay is pleased to specify, with effect from the 1st November 1939, the factories mentioned in the schedule hereto, for the purposes of rule 1 of the rules made under Section 32 (g) and Section 33 (2) of the Factories Act, 1934 (XXV of 1934), and published in Government Notification in the Political and Services Department, No. 1262/34, dated the 14th June 1938 :—

**SCHEDULE  
FACTORIES  
THANA DISTRICT  
Woollen Mills**

1. Raymond Woollen Mills.

**POONA DISTRICT**

**Cotton Spinning and Weaving**

1. Raja Bahadur Motilal Poona Mills.

BOMBAY CASTLE, 31ST JANUARY 1944

**Factories Act, XXV of 1934**

No. 1262/34.—The Government of Bombay is pleased to specify, with effect from the 15th February 1944, the factories mentioned in the schedule hereto, for the purposes of rule 1 of the rules made under Section 32 (g) and Section 33 (2) of the Factories Act, 1934 (XXV of 1934), and published in Government Notification in the Political and Services Department, No. 1262/34, dated 14th June 1938 :—

**SCHEDULE**

1. The Asarva Mills, Ahmedabad,
2. The Bharat Suryodaya Mills Company, Limited, Ahmedabad,
3. Fine Knitting Company, Limited, Ahmedabad.

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†Added vide G.N.P. & S.D., No. 1262/34 of 31/1/44.

LABOUR AND FACTORY LEGISLATION  
POLITICAL AND REFORMS DEPARTMENT  
BOMBAY CASTLE, 31ST MARCH 1937

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No. 9073.—The following notification by the Government of India, Department of Industries and Labour, is published :—  
No. L.-3050, dated New Delhi, the 18th March 1937.  
In exercise of the powers conferred by Sub-section (4) of Section 33 of the Factories Act, 1934 (XXV of 1934), the Governor General in Council is pleased to make the following rules, the same having been previously published as required by Sub-section (1) of Section 79 of the said Act, namely :—

**RULES**

**Title and application**

1. (a) These rules may be called the Hazardous Occupations (Lead) Rules, 1937.
- (b) They shall apply to all factories in which any operations specified in the Schedule is carried on.

**Declaration of occupations as Hazardous**

2. The operations specified in the Schedule are declared to be hazardous operations when carried on in any factory.

**Definition of "lead compound"**

3. (1) In these rules "lead compound" means any compound of lead, other than galena, or any mixture which contains a compound of lead, other than galena (but does not include an alloy containing lead):

Provided that the compound or mixture when subjected to the treatment prescribed in sub-rule (3) yields to an aqueous solution of hydrochloric acid a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent of the dry weight of the portion taken for analysis.

- (2) In the case of paints and similar products and other mixtures containing oil or fat the "dry weight" means the dry weight of the material remaining after the substance has been thoroughly mixed and treated with suitable solvents to remove oil, fats, varnish or other media, and the treatment referred to in sub-rule (1) shall be applied to the material so remaining.
- (3) The treatment referred to in sub-rule (1) shall be as follows :—

A weighed quantity of the material which has been dried at 100°C and thoroughly mixed shall be continuously shaken for one hour, at the common temperature, with 1,000 times its weight of an aqueous solution of hydrochloric acid. con-

taining 0.25 per cent. by weight of hydrogen chloride. The solution shall thereafter be allowed to stand for one hour and then filtered. The lead salt contained in the clear filtrate shall then be precipitated as lead sulphide and weighed as lead sulphate.

#### **Sampling**

4. When an Inspector of Factories suspects that any substance used or intended for use in any factory contains a lead compound he may at any time take for analysis sufficient samples of that substance :

Provided that the manager of the factory may, at the time when a sample is taken and on providing the necessary appliances, require the Inspector to divide the sample into two parts and to make and seal and deliver to him one such part.

#### **Prohibition of employment of women, adolescents and children**

5. No woman, adolescent or child shall be employed in any factory in any of the operations specified in items (i) to (vii) inclusive of the Schedule.

#### **Medical certification and examination**

6. (1) No person shall be employed in any factory for more than 15 days in the year, in any of the operations specified in the Schedule unless a special certificate of fitness in the Form appended to these rules granted to him by a certifying surgeon appointed under Section 12 of the Factories Act, 1934, is in the custody of the manager of the factory.

(2) The Chief Inspector of Factories may require that any person granted a certificate under sub-rule (1) shall carry with him while at work a token giving reference to such certificate.

(3) Every person so employed shall be medically examined by a certifying surgeon or by a registered medical practitioner specially appointed by the Provincial Government to be a certifying surgeon for the purpose of these rules, at intervals of not more than six months ; and a record of such examinations shall be entered in the Form appended to these rules and be preserved by the manager of the factory.

(4) If at any time the certifying surgeon is of opinion that any person is no longer fit for employment in any of the operations specified in the Schedule, he shall cancel the special certificate of fitness of that person.

(5) No person whose special certificate of fitness has been cancelled shall be employed in any of the operations specified in the Schedule unless the Certifying Surgeon again certifies him to be fit.

**Exhaust draughts**

7. Where gas, dust or fume is produced in any of the operations specified in the Schedule, provision shall be made for removing the gas, dust or fume by means of an efficient exhaust draught so contrived as to operate on the gas, dust or fume as closely as possible to the point of origin :

Provided that where the provision of an efficient exhaust draught is not reasonably practicable the Inspector of Factories may require :

- (a) respirators of a type approved by him to be provided and maintained in a clean and efficient condition by the occupier and worn by every person working under such conditions ;
- (b) the damping of floors, apparatus and material to prevent the raising of dust.

**Explanation**

"Efficient exhaust draught" means localised ventilation effected by heat or mechanical means, for the removal of gas, vapour, dust or fumes so as to prevent them (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on. No draught shall be deemed efficient which fails to remove smoke generated at the point where such gas, vapour, fumes or dust originate.

**Floors and work-benches**

8. (1) The floor of every room, in which any person is employed on any of the operations specified in items (i) to (vi) of the Schedule, shall be of smooth cement or other smooth impervious material.

(2) The top of every work-bench in every such room shall be of smooth impervious material.

(3) The said floors and work-benches shall be kept clean and in good condition.

(4) The Chief Inspector of Factories may require by order in writing the said floors and work-benches to be kept wet in such manner as he may deem suitable, in order to reduce dust.

**Washing facilities**

9. The occupier shall provide and maintain in cleanly state and in good repair for the use of persons employed on any of the operations specified in the Schedule either—

- (1) a trough with a smooth impervious surface fitted with a waste pipe without plug, and of sufficient length to allow at least two feet for every five such

persons employed at any one time, and having a constant supply of water from taps or jets above the trough at intervals of not more than two feet; or

(ii) at least one lavatory basin for every five such persons employed at any one time, fitted with a waste pipe and plug, having a constant supply of water; together with, in either case, a sufficient supply of nail brushes, soap or other suitable cleansing material, and clean towels.

#### **Food, drink and tobacco**

10. (1) No food, drink, *pansupari*, or tobacco shall be brought into any room in which any person is employed upon any of the operations specified in the Schedule.

(2) No food, drink, *pansupari*, or tobacco shall be consumed in any room in which any person is employed upon any of the operations specified in the Schedule.

#### **Protective clothing**

11. Adequate protective clothing such as overalls in a clean condition shall be provided by the occupier and worn by every person employed on any operations specified in the Schedule.

#### **Tools and apparatus**

12. All tools and apparatus used in any operation specified in the Schedule and all rooms in which such operations are carried on shall be kept clean.

#### **Exemptions**

13. The Chief Inspector of Factories may grant exemption from the operation of rules 8, 9, 10 (1) or 11 to the extent he deems suitable, where he is satisfied that their observance is not necessary for safeguarding the health of the operatives.

#### **SCHEDULE**

- (i) Work at a furnace where the reduction or treatment of zinc or lead ores is carried on.
- (ii) The manipulation, treatment, or reduction of ashes containing lead, the desilverising of lead or the refining of dross containing lead.
- (iii) The manufacture of alloys containing more than ten per cent. of lead.
- (iv) The manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate, or silicate of lead.
- (v) Handling or mixing of lead tetra ethyl.
- (vi) Mixing or pasting in connection with the manufacture or repair of electric accumulators.
- (vii) The cleaning of work-rooms where any of the processes aforesaid are carried on.



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(viii) Every other manufacturing operation involving the use of any lead compound or the cleaning of work-room where any such operation is carried on.

## FORM

### SPECIAL CERTIFICATE OF FITNESS

In respect of persons employed in operations involving the use of lead compounds.

[Rule 6 of the Hazardous Occupations (Lead) Rules, 1937.]

Serial No.

Date

I hereby certify that I have personally examined (named)

son  
daughter of  
wife

(caste, etc.)

residing at

who is desirous of being employed for more than 15 days in a year as  
in the  
Factory and that his/her age as nearly as can be ascertained  
from examination is years and that he/she is  
in my opinion fit for employment at work involving the use of  
lead compounds, until  
marks are  
His/her descriptive  
Left thumb impression of person examined.

Certifying Surgeon.

I certify that I re-examin- ed the person mention- above on	I extend this certificate until	Signature of Certifying Surgeon	Note of symptoms of lead poisoning (if any)

**Factories Act, XXV of 1934**

No. 377/34.—The follownig notification by the Government of India, Department of Industries and Labour, is republished :—

No. L-3050 (1), dated New Delhi, the 27th March 1937.

In exercise of the powers conferred by sub-section (4) of section 33 of the Factories Act, 1934 (XXV of 1934), the Governor General in Council is pleased to make the following rules, the same having been previously published as required by sub-section (1) of section 79 of the said Act, namely :—

**RULES****Title and application**

1. (a) These rules may be called the Hazardous Occupations (Miscellaneous) Rules, 1937.
- (b) They shall apply to all factories in which any operation specified in the Schedule is carried on.

**Declaration of operations as hazardous**

2. The operations specified in the Schedule are declared to be hazardous operations when carried on in any factory.

**Prohibition of the employment of children and adolescents**

3. (1) No child shall be employed in any factory in any of the operations specified in the Schedule.

(2) No adolescent shall be employed in any factory in any of the operations specified in items 1 to 7 inclusive of the Schedule.

(3) No female adolescent shall be employed in any factory in any of the operations specified in items 8 and 9 of the Schedule.

**SCHEDULE**

1. The manufacture or recovery of any of the following :—
  - (a) Carbonates, chromates, chlorates, oxides or hydroxides of potassium, sodium, iron, aluminium, cobalt, nickel, arsenic, antimony, zinc, or magnesium.
  - (b) Ammonia and the hydroxide and salts of ammonium.
  - (c) Sulphurous, sulphuric, nitric, hydrochloric, hydrofluoric, hydriodic, hydrosulphuric, boric, phosphoric, arsenious, arsenic, lactic, acetic, oxalic, tartaric or citric acids and their metallic or organic salts, and
  - (d) Cynogen compounds.
2. A wet process—
  - (a) when carried on for the extraction of metal from ore or from any by-product or residual material ; or

- (b) in which electrical energy is used in any process of chemical manufacture.
3. The manufacture or production of carbon disulphide or the production or use of hydrogen sulphide.
4. The manufacture of bleaching powder or the production or use of chlorine gas in any process of chemical manufacture.
5. The distillation or use of gas tar or coal tar, or any product or residue of such tars, in any process of chemical manufacture.
6. The utilization of nitric acid in the manufacture of nitro compounds.
7. The manufacture of explosives with the use of nitro compounds.
8. Melting and blowing glass and mixing, grinding and sieving glass-making materials.
9. Vitreous enamelling.
10. Handling wool, hair, bristles, hides and skins.
11. Mixing, grinding and sieving ceramic materials in the dry state.
12. Grinding materials for the manufacture of portland cement and burning and grinding cement clinker, in portland cement factories.
13. Mixing and handling yellow orpiment.

Factories Act, XXV of 1934

No. 377/34 (a)—The following notification by the Government of India, Department of Industries and Labour, is republished :—

No. L.-3050 (2), dated New Delhi, the 27th March 1937.  
In exercise of the powers conferred by sub-section (4) of section 33 of the Factories Act, 1934 (XXV of 1934), the Governor General-in Council is pleased to make the following rules, the same having been previously published as required by sub-section (1) of section 79 of the said Act, namely :—

### RULES

#### Title and application

1. (a) These rules may be called the Hazardous Occupations (Aerated Waters) Rules, 1937.
- (b) They shall apply to all factories in which the manufacture of aerated waters and process incidental thereto are carried on.

Declaration of operations as hazardous

2. The manufacture of aerated waters and processes incidental thereto are declared to be hazardous operations when carried on in any factory.

**Fencing of machines**

3. All machines or filling bottles or syphons shall be so constructed, placed or fenced, as to prevent as far as may be practicable a fragment of a bursting bottle or syphon from striking any person employed in the factory.

**Face guards and gauntlets**

4. (1) The occupier shall provide and maintain in good condition for the use of all persons engaged in filling bottles or syphons:—

- (a) suitable face guards to protect the face, neck and throat, and
- (b) suitable gauntlets for both arms to protect the whole hand and arms:

Provided that:

- (i) this rule shall not apply where bottles are filled by means of an automatic machine so constructed that no fragment of a bursting bottle can escape, and
  - (ii) where a machine is so constructed that only one arm of the bottler at work upon it is exposed to danger, a gauntlet need not be provided for the arm which is not exposed to danger.
- (2) The occupier shall provide and maintain in good condition for the use of all persons engaged in corking, crowning, screwing, wiring, foiling, capsuling, sighting, of labelling bottles or syphons—
- (a) suitable face guards to protect the face, neck and throat, and
  - (b) suitable gauntlets for both arms to protect the arm and at least half of the palm and the space between the thumb and forefinger.

**Wearing of face guards and gauntlets**

5. All persons engaged in any of the processes named in rule 4 shall, while at work in these processes, wear the face guards and gauntlets provided in pursuance of these rules.

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**POLITICAL AND SERVICES DEPARTMENT**

Bombay Castle, 3rd October 1939.

**Factories Act, XXV of 1934**

No. 1539/34.—In exercise of the powers conferred by sub-section (4) of section 33, and clause (a) of section 32 of the Factories Act, 1934 (XXV of 1934), and in supersession of the Hazardous Occupations (Rubber) Rules, 1937, republished in

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Government Notification, Political and Reforms Department, No. 377/34 (b), dated 31st March 1937, the Government of Bombay is pleased to make the following rules, namely :—

## Title and application

1. (a) These rules may be called the Hazardous Occupations (Rubber) Rules, 1939.
- (b) They shall apply to all factories in which all or any of the operations specified in rule 2 are carried on.

## Declaration of operations as hazardous

2. All or any of the following operations are declared to be hazardous when carried on in any factory :—
  - (a) The operation of spreading a solution of rubber in an inflammable solvent on cloth and its subsequent drying by the aid of machinery ;
  - (b) The preparation and drying of patent shoes ;
  - (c) The operation of mixing rubber in an inflammable solvent with the aid of machinery.
  - (d) The preparation of a solution of rubber in an inflammable solvent with the aid of machinery.

## Prohibition of the employment of women, children and adolescents

3. No woman, child or adolescent shall be employed in any factory on any of the operations specified in rule 2.

## Protective provision

4. In every factory to which these rules apply, the following protective measures shall be taken :—

- (1) The operation of spreading a solution of rubber in an inflammable solvent on cloth and its subsequent drying by the aid of machinery :—

- (i) The operation shall be carried on in a separate building detached from the factory building proper :

Provided that, subject to such conditions as he may impose, the Chief Inspector may relax the requirements of this clause in the case of any factory the arrangements provided in which are in his opinion sufficient to protect the persons employed upon the operation referred to in this sub-rule or in the vicinity of the place where it is carried on.

- (ii) There shall be provided an efficient exhaust draught with an outlet to the open air,
- (iii) The machinery shall be earthed to prevent the accumulation of a static charge of electricity,
- (iv) No naked lights shall be used,
- (v) Electric fittings and switches shall be of the flame-

- proof type and wiring shall be either lead sheathed or enclosed in metal conduits,
- (vi) Motors, if any are used, shall be of spark-proof type or when they are not of such type they shall be located outside the building where such operation is carried on.

**(2) The preparation and drying of patent shoes :—**

- (i) Adequate measures to prevent the fall of a shoe from the drying chamber into the source from which heat emanates shall be adopted,
- (ii) Electric fittings and switches shall be of the flame-proof type and wiring shall be either lead sheathed or enclosed in metal conduits, and no other source of artificial lighting shall be adopted,
- (iii) The work-benches shall be so arranged as to allow an easy exit from the department and the passages shall be maintained free from any impediment.

**The operation of mixing rubber between rolls**

- (3) An efficient stop motion with an efficient tripping device shall be provided on each machine and the tripping device shall extend to the whole length of the bowls and shall be readily accessible to the operator.
- (4) The operation of preparing solution of rubber in an inflammable solvent with the aid of machinery :—**
- (i) There shall be adequate ventilation,
- (ii) Electric fittings and switches shall be of the flame-proof type and wiring shall be either lead sheathed or enclosed in metal conduits,
- (iii) No source of flame or conditions which is or are likely to generate sparks shall be permitted in the vicinity of such operation.
- (iv) No partially filled container of inflammable solvent shall be allowed in the vicinity of such operation.
- (5) In every building in which any of the operations described in sub-rules (1) to (4) are carried on, there shall be posted in and at the entrance of such building notices in the languages of the workers prohibiting smoking and carrying of matches.

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**Factories Act, XXV of 1934**

No. 377/34 (c).—The following notification by the Government of India, Department of Industries and Labour, is republished :—

No. L.-3050 (4), dated New Delhi, the 27th March 1937.

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In exercise of the powers conferred by sub-section (4) of section 33 of the Factories Act, 1934 (XXV of 1934,) the Governor General in Council is pleased to make the following rules, the same having been previously published as required by Sub-section (1) of Section 79 of the said Act, namely :—

## RULES.

### Title and application

1. (a) These rules may be called the Hazardous Occupations (Chromium) Rules, 1937.
- (b) They shall apply to all factories in which any operation involving the use of soluble chromium compounds is carried on.

### Declaration of operations as hazardous

2. Operations involving the use of soluble chromium compounds are declared to be hazardous operations when carried on in any factory.

### Prohibition of the employment of women, children and adolescents

3. No woman, child or adolescent shall be employed in any factory in any of the operations specified in rules.

### Protective clothing

4. (a) The occupier shall provide water-proof aprons (of a pattern approved by the Chief Inspector of Factories) or overalls in a clean condition which every person employed on any of the operations specified in rule 2 shall wear.
- (b) The occupier shall provide loose fitting rubber gloves of suitable length and rubber boots or other water-proof footwear for the use of those working at any vessel in which the electrolytic plating or oxidation of metal articles by the use of an electrolyte containing chromic acid or other chromium compounds, or any process subsequent thereto, is carried on :

Provided that the Chief Inspector of Factories may grant exemption from any or all the provisions of this rule where he is satisfied that they are not necessary to secure the health of the workers.

### Exhaust draughts

5. An efficient exhaust draught shall be provided by mechanical means for the process of electrolytic plating or oxidation of metal articles by the use of an electrolyte containing chromic acid or other chromium compounds. The draught shall

operate on the vapour or spray given off in the process as near as may be at the point of origin, so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on.

#### **Factories Act, XXV of 1934**

No. 377/34 (d).—The following notification by the Government of India, Department of Industries and Labour, is republished :—

No. L.-3050 (5), dated New Delhi, the 27th March 1937.

In exercise of the powers conferred by sub-section (4) of section 33 of the Factories Act, 1934 (XXV of 1934), the Governor General in Council is pleased to make the following rules, the same having been previously published as required by Sub-section (1) of Section 79 of the said Act, namely :—

#### **Title and application**

1. (a) These rules may be called the Hazardous Occupations (Cellulose Spraying) Rules, 1937.
- (b) They shall apply to all factories in which the spraying of cellulose ester paints and lacquers is carried on.

#### **Declaration of operation as Hazardous**

2. The spraying of cellulose ester paints, or lacquers, is declared to be hazardous operation when carried on in any factory.

#### **Prohibition of the employment of children and adolescents**

3. No child or adolescent shall be employed in any factory on the operation specified in rule 2.

#### **Exhaust draughts**

4. An efficient exhaust draught shall be provided by mechanical means for the process specified in rule 2. The draught shall operate on the vapour given off in the process as near as may be at the point of origin so as to prevent it (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on. The draught shall be maintained working for a period of at least five minutes after the cessation of the operation :

Provided that the Chief Inspector of factories may grant exemption from the provisions of this rule if he is satisfied that due to the casual nature of the operation they are not necessary to secure the health of the workers.



**Position of spray operators**

5. Arrangements shall, as far as practicable, be made so as to render it unnecessary for the person operating the spray to be in a position between the ventilating outfit and the article being sprayed.

**Factories Act, XXV of 1934**

No. 377/34 (c) The following notification by the Government of India, Department of Industries and Labour is republished :—

No. L-3050 (G), dated New Delhi, the 27th March 1937.

In exercise of the powers conferred by sub-section (4) of Section 33 of the Factories Act, 1934 (XXV of 1934), the Governor General in Council is pleased to make the following rules, the same having been previously published as required by Sub-section (1) of Section 79 of the said Act, namely :—

**RULES**

**Title and application**

1. (a) These rules may be called the Hazardous Operations (Sand Blasting) Rules, 1937.
- (b) They shall apply to all factories in which the operation of sand blasting, as defined in rule 2, is carried on.

**Definition**

2. In these rules "sand blasting" means the use of a jet of sand, metal shot, grit or other abrasive, propelled by a blast of compressed air or steam.

**Declaration of operation as hazardous**

3. Sand blasting is declared to be a hazardous operation when carried on in any factory.

**Prohibition of the employment of women, adolescents and Children**

4. No woman, adolescent or child shall be employed in any factory on sand blasting.

**Protective clothing**

5. (1) No person shall be allowed to perform or to assist at sand blasting in the open air or to work within 30 feet of sand blasting apparatus in operation in the open air, unless he is wearing a suitable protective helmet and gauntlets.

(2) No person shall be allowed to work in or remain in a sand blasting chamber unless he is wearing a suitable protective helmet, overalls and gauntlets, or to insert his arm or hand into

the chamber unless he is wearing a suitable gauntlet, while sand blasting is being carried on.

(3) The occupier shall provide and maintain in good condition all helmets, gauntlets and overalls necessary for compliance with sub-rules (1) and (2).

(4) A protective helmet shall not be considered suitable unless it carries the distinguishing mark of the person to whom it is issued and by whom it is intended to be used and is provided with a sufficient supply of pure air for breathing and ventilation, together with suitable arrangements to permit the escape of the expired air.

(5) No person shall wear a protective helmet that has been worn by another person unless and until such protective helmet shall have been thoroughly disinfected.

#### BOMBAY CASTLE, 22ND AUGUST 1939

No. 1220/34. In exercise of the powers conferred by Sub-section (4) of Section 33, Section 22 and Clause (a) of Section 32 of the Factories Act, 1934 (XXV of 1934), the Government of Bombay is pleased to make the following rules, namely :—

### RULES

#### Title and application

1. (a) These rules may be called the Hazardous Occupations (petrol gas generating plants) Rules, 1939.
- (b) They shall apply to all factories in which any operation of generating petrol gas from petrol is carried on.

#### Definitions

2. In these rules unless there is anything repugnant in the subject or context—

- (a) "The Act" means the Factories Act, 1934.
- (b) Words and expressions used in these rules and defined in the Act shall have the same meaning as in the Act.

#### Declaration of operations as hazardous

3. All operations of generating petrol gas from petrol carried on in any factory are declared to be hazardous operations.

#### Prohibition of the employment of women, children and Adolescents

4. No woman, child or adolescent shall be employed in or shall be allowed to enter any building in which an operation of generating petrol gas from petrol is carried on.

#### Protective Provisions

5. In every factory to which these rules apply—

- (i) The plant for generating petrol gas from petrol and associated piping and fittings shall be fitted with at least two efficient flame traps so designed and maintained as to prevent a flash back from any burner to the plant. One of these traps shall be fitted as close to the plant as possible. The plant and all pipes and valves shall be installed and maintained free from leaks.
- (ii) All plants for generating petrol gas from petrol after the coming into force of these rules, shall be erected outside factory building proper in a separate well ventilated building (hereinafter referred to as the "generating building"). In the case of such plants erected before the coming into force of these rules there shall be no direct communication between the room where such plants are erected (hereinafter referred to as "the generating room") and the remainder of the Factory building.
- (iii) An efficient means of extinguishing petrol fires shall be maintained in an easily accessible position near the plant for generating petrol gas from petrol.
- (iv) Petrol gas shall not be manufactured except in a plant for generating petrol gas the design and construction of which has been approved by the Chief Inspector of Factories.
- (v) Every care shall be taken to prevent any petrol from escaping into any drain or sewer.
- (vi) No smoking shall be permitted in the generating room or building or in the vicinity thereof and a warning notice shall be posted in the factory prohibiting smoking and the carrying of matches into such room or building.
- (vii) All due precautions shall be taken to prevent unauthorized persons having access to any petrol and to a vessel containing or having actually contained the same.
- (viii) All electric fittings shall be of the enclosed flame-proof type and all electric leads shall either be carried in metal conduits or be lead-sheathed.
- (ix) All doors in the generating room or building shall be constructed to open outwards and no door shall be locked or obstructed while gas is being generated and any person is working in the generating room or building.
- (x) No vessel that has contained petrol shall be repaired in a generating room or building and no repairs to

any such vessel shall be undertaken unless adequate precautions have been taken to ensure that it has been rendered free from petrol or inflammable vapour.

### POLITICAL AND SERVICES DEPARTMENT

BOMBAY CASTLE, 2ND MAY 1942

#### Factories Act, XXV of 1934

No. 5539/34. In exercise of the powers conferred by Sub-section (4) of Section 33 of the Factories Act, 1934 (XXV of 1934), the Government of Bombay is pleased to make the following rules, namely :—

### RULES

#### Title and application

1. (a) These rules may be called the Bombay Hazardous Occupations (Sodium and Potassium bichromates) Rules, 1942.
- (b) They shall apply to all factories in which any operation for the manufacture or recovery of the bichromate of sodium or of potassium is carried on.

#### Declaration of operation as hazardous

2. All operations carried on in any factory for the manufacture or recovery of the bichromates of sodium or of potassium are declared to be hazardous operations.

#### Prohibition of the employment of children and adolescents

3. No child or adolescent shall be employed on any operation referred to in rule 2.

#### Medical examination of employees

4. The occupier of every factory in which any operation referred to in rule 2 is carried on shall appoint a competent factory supervisor nominated by the factory owner who shall examine daily the hands, feet and legs of all persons employed on such operation. Such medical practitioner shall report forthwith every case of chronic sores found by him to the manager or occupier of the factory.

#### Provisions for the protection of employees

5. (1) (a) Wherever practicable the grinding and mixing processes in any operation referred to in rule 2 shall be carried on in separate rooms and the dust caused thereby shall be reduced to a minimum.
- (b) Suitable respirators to cover the nose and mouth and overalls and protective coverings for the hands and

feet shall be supplied by the occupier to and for wear by all the employees employed on such processes. The respirators shall be washed once a day and the filtering material either changed or washed at the same time.

(2) Footwear shall be supplied by the occupier to and for wear by employees employed on roasting processes.

(3) Protective coverings for the hands and feet shall be supplied by the occupier to and for wear by all the employees employed on lixiviating, filtering, concentration, crystallising and packing processes.

(4) The floor on which any operation referred to in rule 2 is carried on shall be of impervious material and shall be swept in a wet state.

(5) Overalls referred to in sub-rule (1) (b) shall be washed or renewed once in every week.

(6) A suitable room shall be provided for the storage of overalls and other articles supplied to employees under this rule.

(7) A sufficient supply of an ointment consisting of 8 parts of vaseline to one part of paraffin and 20 drops of carbolic acid to a pound of vaseline and paraffin shall be provided by the occupier and kept in the factory for use of the employees.

(8) Washing and lavatory accommodation, with a sufficient supply of soap and towels, on the scale indicated below, shall be provided by the occupier. All employees shall wash their hands and feet after finishing work and before taking meals—

(a) a trough with a smooth impervious surface, fitted with waste pipe without plug, of a length as would allow at least two feet for every five employees and having a constant supply of water from taps or jets above the trough at intervals of not more than two feet; or

(b) at least one lavatory basin for every five employees, fitted with a waste pipe and plug or placed in a trough having waste pipe, and having a constant supply of water.

(c) No food shall be consumed in the factory buildings or near any place where any process referred to in rule 2 is carried on.

(10) In addition to the provisions contained in rule 55 of the Bombay Factories Rules, 1935, the following additional provisions regarding fencing of vessels shall be observed, namely:—

Every fixed vessel, whether pot, pan, vat, or other structure, containing any dangerous material, and not so covered as to eliminate all reasonable risk of accidental immersion of any portion of the body of a person employed shall be fenced as follows:

(a) Each such vessel shall, unless its edge is at least 3 feet above the adjoining ground or platform, be securely

fenced to a height of at least 3 feet above such adjoining ground or platform.

- (b) No plank or gang-way shall be placed across or inside any such vessel unless such plank or gang-way is—
  - (i) at least 18 inches wide ; and
  - (ii) secured fenced on both sides, either by upper and lower rails to a height of 3 feet or by other equally efficient means.
- (c) If any two such vessels are near each other and the space between them, clear of any surrounding brick-work or other work, is either—
  - (i) less than 18 inches in width,
  - or*
  - (ii) is 18 or more inches in width, but securely fenced on both sides to a height of at least 3 feet, secure barriers shall be placed so as to prevent any passage between them.

### NOTIFICATIONS

I. The following factories situated in the Town and Island of Bombay and in the City of Ahmedabad are declared under section 4 (1) of the Factories Act, 1934 (XXV of 1934), to be non-seasonal factories for the purposes of the said Act :—

By Notification, Political and Reforms Department, No. 352/34 (a), dated 18th November 1935 :—

#### Town and Island of Bombay.

- (1) The Hyderally Manufacturing and Press Factory.
- (2) The Madras United Press Factory.
- (3) The Press Factory of the New Prince of Wales Press Company Limited.
- (4) The Krishna Press Factory.
- (5) The Wadi Bunder Cotton Press Factory.
- (6) The Ledgeet Cotton Press Factory.
- (7) The Cotton Seeds Cleaning Factory of the Hyderally Manufacturing Co.
- (8) The Ladakhchand Oghaddas Cotton Cleaning Factory.
- (9) The Swadeshi Cotton Cleaning Factory.

#### Ahmedabad.

- (1) The Press Factory of the Indian Gin and Press Co. Ltd.
- (2) The Press and Opener Factory of the Dudhia Ginning and Pressing Company.
- (3) The Press Factory of the Ahmedabad Pressing, Ginning and Manufacturing Co.

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II. The following factories are declared under section 4 (2) of the Factories Act, 1934 (XXV of 1934), to be seasonal factories for the purposes of the said Act :—

By Notification, Political and Reforms Department, No. 352/34, dated 22nd April 1937 :—  
The Ploner Magnesia Works, Limited, situated at Kharghoda, district Ahmedabad.

By Notification, Political and Reforms Department, No. 351/34, dated 11th May 1937 :—  
All bhussa presses and bone mills in the Province of Bombay.

By Notification, Political and Services Department, No. S. 129, dated 20th January 1940.  
(1) Military Grass Farm, Kirkee.  
(2) Military Fodder Depot, Telegaon.

## POLITICAL AND SERVICES DEPARTMENT BOMBAY CASTLE, 2ND APRIL 1942

Factories Act, XXV of 1934

III. No. 1822/34. In exercise of powers conferred by Sub-sections (1) and (2) of Section 5 of the Factories Act, 1934 (XXV of 1934) (hereinafter referred to as "the said Act") and in supersession of the Government Notifications specified in the foot-note below\*, the Government of Bombay is pleased to declare—

(a) That all the provisions of the said Act, applicable to factories, shall apply to the places specified in the First Schedule hereto annexed ;

(b) that the provisions of Chapter V and of sections 9, 24, 30, 31, 32(d) and (e), 35, 36, 39, 40, 41, 42, 45, 47(1),

\* Government Notification, Political and Reforms Department—

- (1) No. 372/31 (c), dated the 18th November 1935.
  - (2) No. 412/34, dated the 30th January 1936.
  - (3) No. 1221/31, dated the 23rd April 1936.
  - (4) No. 772/31, dated the 3rd July 1936.
  - (5) No. 1365/31, dated the 16th September 1936.
  - (6) No. 1596/31, dated the 23rd February 1937.
  - (7) No. 1365/31, dated the 31st March 1937.
  - (8) No. 1868, dated the 5th October 1937.
  - (9) No. 1822, dated the 8th November 1937.
- Government Notification, Political and Services Department—
- (10) No. 1822/31, dated the 22nd June 1938.
  - (11) No. 2937/34, dated the 13th March 1939.
  - (12) No. 352/31, dated the 24th April 1939.
  - (13) No. 1822/31, dated the 26th April 1939.
  - (14) No. 2579/31, dated the 8th May 1939.
  - (15) No. 2969/31, dated the 23rd June 1939.
  - (16) No. 1822/31, dated the 23rd August 1939.
  - (17) No. 2217/31, dated the 31st August 1939.
  - (18) No. 1664/31, dated the 27th January 1940.
  - (19) No. 1822/31, dated the 1st April 1940.
  - (20) No. 2579/31, dated the 12th February 1941.
  - (21) No. 1822/34-I, dated the 1st September 1941.
  - (22) No. 1822/31-III, dated the 2nd September 1941.
  - (23) No. 1822/31-IV, dated the 2nd September 1941.

76 and 77 of the said Act, shall apply to the litho works situated at Minerva Mansions, Grant Road, Bombay, known as Oriental Litho Works, and owned by Mr. M. V. Ramnathkar ;

- (c) that such provisions of the said Act as are specified in column 4 of the Second Schedule hereto annexed against an entry in column 1 of the said Schedule shall apply to the class of places in the Province of Bombay specified in column 2 of the said Schedule against that entry whenever the number of workers who are working therein or have worked therein on any one day of the twelve months preceding the date of this notification is the number specified in column 3 of the said Schedule against that entry.

#### THE FIRST SCHEDULE

- (1) The Metal Factory and Calendar Works, near Rajpur Gate, Ahmedabad, known as the Valji Bhanji Metal Factory and Calendar Works.
- (2) The Printing Press at Old Bombay Bank House, Soni Falia, Surat, known as the Gujarat Standard Printing Press.
- (3) The Printing Press at Old Bombay Bank House, Soni Falia, Surat, known as the Jain Vijaya Printing Press.
- (4) The Printing Press at Chautta Bridge, Surat, known as the Surat City Printing Press.
- (5) The Cotton Ginning Factory at Newasa in the Ahmednagar District, owned by Mr. Krishnaji Janardhan Behere.
- (6) The Factory at Nipani in the Belgaum District, owned by G. A. Ambale Brothers.
- (7) The Ginning Factory at Nidgundi in the Bijapur District, known as B. H. Nagral Ginning Factory No. 1.
- (8) The Ginning Factory situated at Varkhedi, in the East Khandesh District and owned by Mr. Champalal Gordhandas.
- (9) The Oil Mill at Pachora in the East Khandesh District, owned by Mr. Mulchand Bhagwandas and Mr. Narsulal Ghasiram and known as the Mulchand Bhagwandas Oil Mill.
- (10) (i) The Dyeing Works at Taj Sheri, Ahmedabad, known as the Mahmoodji Aliji Dyeing Works, and (ii) the Dyeing and Calendering Works at Tajpur, Ahmedabad, known as the Mahmoodji Aliji Dyeing and Calender Works, and both owned by Mr. Noor Mohmed Mahmoodji.



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- (11) The Oil Mill situated at Potla (Post Kola), in the Karad Taluka of the Satara District, known as the Annappa Narayan Kalyani Oil Mill and owned by Mr. Annappa Narayan Kalyani.
- (12) The Slate Works at Yerandvana, Poona 4, known as Shri Narsinha Saraswati Slate Works.
- (13) The Jalgaon Electric Supply Company, Limited, situated at Jalgaon, in the East Khandesh District.
- (14) The Rice Flattening factory situated at Hubli in the Dharwar District, known as the Saraswati Rice Flattening Factory and owned by Messrs. N. G. Narule, D. B. Kadabi, and P. D. Dinakar.

## THE SECOND SCHEDULE

Number of entry	Classes of places	Number of workers employed	Provisions of the said Act applied
1	The class of places wherein the process of manufacturing glass is carried on without the use of power	20 or more	All the provisions of the said Act applicable to factories.
2	The class of places wherein spindles are converted into spindles without the use of power.	Do	Do.
3	The class of places wherein cotton or 10 or more waste is cleaned with the use of power.	Do	Do.
4	The class of places wherein type is cast, polished, packed or otherwise adapted for use or for sale with or without the use of power.	Do	Do.
5	The class of hand yarn drying places wherein lead compounds are used in the dyeing process.	Do	Do.
6	The class of places wherein gas is manufactured for train lighting purposes with the use of power.	Do	Do.
7	The class of places wherein cloth manufactured in mills is subjected to the process of washing or bleaching or both, as part of or in aid of a manufacturing process, whether with or without the use of power.	Do	Chapters IV and V and sections 9, 24, 26 (1), 30, 31, 32 (d) and (e), 76 and 77.
8	The class of places wherein the manufacturing process of crushing and sizing stone is carried on with the use of power.	Do	All the provisions of the said Act applicable to factories.
9	The class of places wherein the process of manufacturing leather goods or articles is carried on without the use of power.	Do	Chapter V and sections 9, 30, 35, 36, 39, 40, 41, 42, 43, 47 (1), 76 and 77.

Number of entry	Classes of places	Number of workers employed	Provisions of the said Act applied
1	2	3	4
10	The class of places wherein the process of manufacturing bread, biscuits or confectionary is carried on with or without the use of power.	10 or more	Chapter V and sections 9, 24, 30, 31, 32 (d) and (e), 35, 36, 39, 40, 41, 42, 45, 47 (1), 76 and 77.
11	The class of places wherein the process of printing, book-binding or type setting is carried on with or without the use of power.	Do	Do.
12	The class of places wherein the process of weaving cloth from cotton yarn or from artificial or natural silk or from rayon is carried on with the use of power.	Do	Chapter V and section 9, 24, 25, 26, 30, 31, 32, (d) and (e), 35, 36, 39, 40, 41, 42, 45, 47, (1), 76 and 77.
13	The class of places wherein the process of weaving cloth from cotton yarn is carried on without the use of power.	Do	Sections 9, 30, 35, 36, 39, 40, 41, 42, 45 and 77.
14	The class of places wherein the process of dyeing cloth, yarn or articles is carried on with or without the use of power.	Do	Chapter V and sections 9, 24, 30, 31, 32 (d) and (e), 35, 36, 39, 40, 41, 42, 45, 47 (1), 76 and 77.
15	The class of places wherein metal is manipulated into articles with or without the use of power.	Do	Chapter V and sections 9, 24, 30, 31, 32 (d) (e), 35, 36, 39, 40, 41, 42, 45, 47 (1), 76 and 77.
16	The class of places wherein the process of tanning is carried on without the use of power.	20 or more	Chapter V and sections 9, 19, 20, 30, 35, 36, 39, 40, 41, 42, 45, 47 (1), 76 and 77.
17	The class of places wherein the process of manufacturing bricks is carried on without the use of power.	Do	Chapter V and sections 9, 30, 35, 36, 39, 40, 41, 42, 45, 47 (1), 76 and 77.
18	The class of places commonly known as saw mills wherein the process of cutting or otherwise treating wood is carried on with the use of power.	10 or more	All the provisions of the said Act applicable to factories.
19	The class of places wherein any manufacturing process enumerated in the Schedule to the Hazardous Occupations (Lead) Rules, 1937, is carried on and any place wherein any manufacturing process involving the use of any lead compound as defined in Rule 3 of the said Rules is carried on whether with or without the use of power.	Do	Sections 9, 24, 30, 31, 32 (d) and (e) 33 (4), 35, 36, 39, 40, 41, 42, 45, 47 (1), 76 and 77.
20	The class of places commonly known as general engineering works wherein the manufacturing process is carried on with the use of power.	Do	Chapter V and sections 9, 24, 30, 31, 32 (d) and (e), 35, 36, 39, 40, 41, 42, 45, 47 (1), 76 and 77.
21	The class of places wherein the manufacturing process of extracting oil is carried on with the use of power.	Do	All the provisions of the said Act applicable to factories.
22	The class of place commonly known as rice mills wherein the manufacturing process of cleaning rice from husk is carried on with the use of power.	Do	Chapters IV and V and sections 9, 21, 30, 31, 32 (d) and (e), 76 and 77.

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Number of entry	Classes of places	Number of workers employed	Provisions of the said Act applied
1	2	3	4
23	The class of places commonly known as ginning factories wherein the process of separating raw cotton from its seed is carried on with the use of power.	10 or more	Chapters IV and V and sections 9, 21, 23, 30, 31, 32 (d) and (e), 76 and 77.
24	The class of places wherein any of the manufacturing processes incidental to treating and/or packing cashewnuts is carried on without the use of power.	50 or more	Sections 9, 30, 35, 36, 39, 40, 41, 42, 45, 47 (1), 76 and 77
25	The class of places wherein the manufacturing process of shelling groundnuts or any other process incidental to the said manufacturing process is carried on with the use of power.	10 or more	All the provisions of the said Act applicable to factories.
26	The class of places wherein the process of making "bidis" from tobacco is carried on without the use of power.	20 or more	Sections 9, 30, 36, 39 (1), 39(2), so far as it relates to sections 36, 39 (1) to 39 (8), 40, 41, 42, 76 and 77.
27	The class of places wherein the manufacturing process of preparing gur from sugarcane juice or any other process incidental to the said manufacturing process is carried on with the use of power.	10 or more	All the provisions of the said Act applicable to factories.
28	The class of places wherein the process of making "jerdy" from tobacco is carried on without the use of power.	20 or more	Sections 9, 19, 20, 30, 36, 39 (1), 39 (2), so far as it relates to sections 30, 39 (3) to 39 (8), 40, 41, 42, 45, 50 to 59, 76 and 77.
29	The class of places wherein the process of tailoring for clothing required for His Majesty's Naval, Military or Air forces is carried on without the use of power.	Do	Sections 9, 18, 19, 20, 21, 22, 23, 30, 50 to 59 and 66.

IV. By Notification, Political and Reforms Department, No. 352/34 (d), dated 18th November 1935, the Governor in Council is pleased—

- (3) to direct that—
- (a) the Chief Inspector of Factories shall be officially subordinate to the Commissioner of Labour, Bombay; and
- (b) the Senior and Junior Inspectors and the Lady Inspector of Factories shall be subordinate to the Chief Inspector of Factories. They shall act as technical advisers to the District Magistrate in matters connected with factories and shall perform any special work in connection with factories which the District Magistrate may require them to do;
- (4) to declare that the notices and returns prescribed under

the said Act and Rules made thereunder shall be sent to—

- (a) the Senior Inspector of Factories at Ahmedabad, so so far as they relate to factories situated in the districts of Ahmedabad, Kaira, Broach and Panch Mahals, Surat and the Nawapur Taluka of the West Kandesh District ;
- (b) the Chief Inspector of Factories, Secretariat, Bombay so far as they relate to factories, situated in the Town and Island of Bombay and in the districts of Thana, Bombay Suburban, East and West Khandesh, Nasik, Kolaba and Ratnagiri

By Notification, Political and Services Department, No. 623/34, dated 7th June 1938 :—

The Government of Bombay is pleased to declare that the notices and returns prescribed under the Act and Rules made thereunder shall be sent to the Inspector of Factories, having his headquarters at Poona, so far as they relate to Factories situated in the districts of Ahmednagar, Poona, Sholapur, Satara, Belgaum, Bijapur, Dharwar and Kanara.

V. By Notification, Political and Reforms Department, No. 352/34 (e), dated 18th November 1935, it is declared that the District Magistrate [who is an Inspector of Factories for his district under sub-section (4) of section 10 of the Act] shall not pass any original orders or remarks under sections 13, 14, 15, 18, 23, 24, 25, 26, 28 and 29 of the Act but shall confine his orders or remarks under those sections to the point or points to which the full-time Inspector of Factories has already directed the attention of the manager or occupier of the factory as the case may be.

VI. Under Notification, Political and Reforms Department, No. 352/34 (f), dated 18th November 1935 as amended by Notifications, Political and Services Department No. 8937, dated 18th September 1940 and No. 352/34, dated 26th November 1941, the undermentioned officers are appointed to be additional Inspectors of Factories :—

- (1) All Sub-Divisional Magistrates in the Province of Bombay within the local limits of their respective jurisdictions ;
- (2) The Resident Magistrate, Kalyan, for all the Railway premises in the Kalyan Taluka of the Thana District ;
- (3) All Mamlatdars and Mahalkaris in the Province of Bombay within the limits of their talukas, mahals or petas as the case may be ; and

- (4) It is declared that the powers of every such additional Inspector shall be limited to the authority given by section 11 of the said Act to enter any factory within the limits of his jurisdiction as aforesaid and to make such examination of the premises and of any prescribed notices, registers and muster rolls as may be necessary for satisfying himself that the requirements of Chapters IV and V of the said Act are being properly observed.

VII. Under Notification, Political and Reforms Departments, No. 352/34 (g), dated 18th November 1935 :—

(1) the Director of Public Health and all Assistant Directors of Public Health in the Province of Bombay, the Certifying Surgeon for the Town and Island of Bombay, the Certifying Surgeon, Ahmedabad, the Bombay Medical Service Officers specified in Schedule A hereto and the Subordinate Medical Service Officers of not less than seven years' service stationed at the places specified in Schedule B hereto annexed are appointed as additional Inspectors of Factories within the limits of their respective jurisdictions ;

(2) it is declared that the powers of every such additional Inspector shall be limited to the power to enter any factory within the limits of his jurisdiction and to make such examination of the premises and of any prescribed notices, registers and muster rolls as may be necessary for satisfying himself that the requirements of Sections 13, 14, 15 (2), 17, 18, 19, 20, 32 (b) and 33 (4) of the Act are being properly observed ; and

(3) it is directed that the defects found and remedies suggested for enforcing compliance with the requirements of Sections referred to in Clause (2) shall be reported by such additional Inspectors to the Chief Inspector of Factories who shall pass final orders in each case.

#### SCHEDULE A.

##### Bombay Medical Service Officers

- |            |             |               |
|------------|-------------|---------------|
| 1. Nadiad. | 4. Kalyan.  | 7. Kapadvanj. |
| 2. Gadag.  | 5. Bandra.  |               |
| 3. Hubli.  | 6. Andheri. |               |

Under Notifications, Political and Reforms Department, No. 352/34-II, dated 12th April 1937 and 14th April 1937 :—

- |              |                |
|--------------|----------------|
| 8. Bhiwandi. | 9. Ahmednagar. |
|--------------|----------------|

**SCHEDULE B.****Subordinate Medical Service Officers of not less than seven years' service**

1. Viramgaum.	10. Ilkal.	19. Ilav.
2. Broach.	11. Hungund.	20. Thasra.
3. Surat.	12. Dhulia.	21. Chalisgaon.
4. Sholapur.	13. Talegaon	22. Bardoli.
5. Poona and	(Dabhada).	23. Jalalpore.
Mundhwa.	14. Jalgaon.	24. Bailhongal.
6. Karad.	15. Amalner.	25. Devgad.
7. Gokak.	16. Jambusar.	26. Belgaum.
8. Bijapur.	17. Thana.	27. Umreth.
9. Bagalkot.	18. Amod.	28. Dhandhuka.

VIII. By Notification, Political and Services Department, No. 1554/34-II, dated 26th March 1938 :—

(1) the Inspector appointed under Sub-section (3) of Section 14 of the Payment of Wages Act, 1936 (IV of 1936), in Government Notification in the Political and Reforms Department, No. 1554/34, dated the 30th August 1937, is appointed to be an additional Inspector of Factories within the limits of his jurisdiction specified in the said notification ; and

(2) it is declared that the powers of such additional Inspector of Factories shall be limited to the authority given by Section 11 of the Factories Act, 1934 (XXV of 1934), to enter any factory within the limits of his jurisdiction as aforesaid and to make such examination of the premises, and of any prescribed notices, registers and muster rolls as may be necessary for satisfying himself that the requirements of Chapters IV and V of the last mentioned Act are being properly observed.

IX. Under Notification, Political and Services Department, No. 352/34, dated 13th November 1941, the undermentioned medical officers are appointed to be certifying surgeons for factories within the limits of the areas shown against their names :—

Names or designations of Medical Officers	Areas
1	2
Mr. R. J. Tata, L.M. & S., F.R. F.P.S., D.P.H., D.T.M. & H.	City of Bombay, Municipal Borough of Kurla and Muni- cipal District of Ghatkoper- Kirol.
Mr. K. C. Gupta, M.B.B.S.	Daskroi Taluka and City Mahal, Ahmedabad.

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- The Medical Officer in charge of Viramgaum Taluka.  
the Dispensary at Viramgaum
- The Medical Officer in charge of Dhandhuka Taluka.  
the Dispensary at Dhandhuka.
- The Subordinate Medical Service Officer in charge of the Prantij Taluka except the villages of Demai and Dhan-sura.  
Dispensary at Prantij.
- The Medical Officer in charge of the Grant-in-aid Dispensary at Gogha. Town of Gogha.
- The Medical Officer in charge of the Municipal Dispensary at Nadiad. Nadiad Taluka.
- The Medical Officer in charge of the Municipal Dispensary at Kapadvanj. Kapadvanj Taluka and the villages of Demai and Dhan-sura in the Ahmedabad District.
- The Medical Officer in charge of the Municipal Dispensary at Dakore. Thasra Taluka.
- The Medical Officer in charge of the Municipal Dispensary at Umreth. Municipal District of Umreth and village of Ode.
- The Medical Officer in charge of the Municipal Dispensary at Anand. Borsad Taluka and Anand Taluka except the Municipal District of Umreth and the village of Ode.
- The Civil Surgeon, Broach and Panch Mahals. Municipal Borough of Broach and the villages of Derol, Nabipur and Palej.
- The Medical Officer in charge of the Dispensary at Ilav. Village of Ilav in the Broach and Panch Mahals District and the village of Vadoli in Olphad Taluka of the Surat District.
- The Medical Officer in charge of the Dispensary at Amod in Broach and Panch Mahals District. Amod Taluka except the village of Samni.
- The Medical Officer in charge of the Dispensary at Vagra. Vagra Taluka and the village of Samni in Amod Taluka.

Names or designations of Medical Officers 1	Areas 2
The Medical Officer of the B.B. & C.I. Railway Company at Dohad.	The area covered by the B. B. & C.I. Railway factories at Freeland Ganj.
The Subordinate Medical Service Officer in charge of the Municipal Dispensary at Ankleshwar.	Ankleshwar Taluka except the village of Ilav.
The Subordinate Medical Service Officer in charge of Dispensary at Jambusar.	Jambusar Taluka.
The Civil Surgeon, Surat.	Chorasi Taluka and the village of Sayan.
The Medical Officer in charge of the Dispensary at Tadkeshwar in Surat District.	The village of Kim in Surat District.
The Medical Officer in charge of the Local Board Dispensary at Jalalpore.	Jalalpore Taluka.
The Medical Officer in charge of the Local Board Dispensary at Pardi.	Pardi and Bulsar Talukas.
The Medical Officer in charge of the Local Board Dispensary at Bardoli.	Bardoli Taluka and the village of Nawapur in the West Khandesh District.
The Civil Surgeon, Thana.	Thana Mahal.
The Medical Officer in charge of the Dispensary at Kalyan.	Kalyan Taluka.
The Bombay Medical Service Officer in charge of the Dispensary at Bhiwandi.	Bhiwandi Taluka.
The Medical Officer in charge of the Dispensary at Bandra.	Municipal Borough of Bandra.
The Medical Officer in charge of the Local Board Dispensary at Andheri.	The Municipal district of Parle-Andheri and the villages of Borivli and Kandivli in the Bombay Suburban District.
The Bombay Medical Service Officer in charge of the C. R. Wadia Dispensary at Thana.	Town of Mulund in the Bombay Suburban District.



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Names or designations of  
Medical Officers

1

Areas  
2

The Civil Surgeon, Ahmednagar Ahmednagar Taluka.  
The Civil Surgeon, Jalgaon. Jalgaon Taluka.

The Medical Officer in charge of the Dispensary at Amalner. Amalner Taluka.  
The Medical Officer in charge of the Dispensary at Chalisgaon in East Khandesh Chalisgaon Taluka.  
District.

The Civil Surgeon, Dhulia. Dhulia Taluka.  
The Medical Officer in charge of the Dispensary attached to the Government Central Distillery, Nasik. The areas covered by the Security Printing Press and the Government Central Distillery at Nasik Road.

The Subordinate Medical Service Officer at Peint. Peint Peta.

The Subordinate Medical Service Officer in charge of the Municipal Dispensary at Yeola. Yeola Taluka.

The Assistant to the Civil Surgeon, Poona. The Municipal Borough of Poona City, Poona cantonment, the municipal district of Poona Suburban and the villages of Yerandavana, Pashan, Dapori and Hadapsar in the Poona District. Mawal Taluka.

The Subordinate Medical Service Officer in charge Dispensary, Talegaon-Dabhade.

The Medical Officer in charge of Arsenal and Ammunition Factory Establishments, Kirkee.

The Medical Officer, Central Prison, Yeravda.

The Medical Officer in charge of the Dispensary at Karad.

The Civil Surgeon, Sholapur

The area covered by the Kirkee Arsenal and Ammunition Factories at Krkee, district Poona.

The Town of Yeravda.

Karad Taluka.

Sholapur Taluka.

Names or designations of Medical Officers	Areas
1	2
The Medical Officer in charge of the Municipal Dispensary at Barsi.	Barsi Taluka.
The Civil Surgeon, Belgaum.	Belgaum Taluka.
The Medical Officer in charge of the Dispensary at Gokak.	Gokak Taluka.
The Medical Officer in charge of the grant-in-aid Municip- pal Dispensary at Bailhongal.	Sampgaon Taluka.
The Civil Surgeon, Bijapur.	Bijapur Taluka.
The Medical Officer in charge of the Municipal Dispensary at Bagalkot.	Bagalkot Taluka.
The Medical Officer in charge of the Municipal Dispensary at Ilkal.	Municipal District of Ilkal in the Hungund Taluka, district Bijapur.
The Medical Officer in charge of the Local Board Dispensary at Hungund.	Hungund Taluka except the Municipal District of Ilkal.
The Medical Officer in charge of the Dispensary at Gadag.	Gadag Taluka.
The Medical Officer in charge of the Dispensary at Hubli.	Hubli Taluka except the area occupied by the M. & S.M. Railway factories.
The District Medical Officer of the M. & S.M. Railway, Hubli.	The area covered by the M. & S.M. Railway factories in the Province of Bombay.
The Medical Officer in charge of the Dispensary at Devgad.	Devgad Taluka.
*The Medical Officer in charge of the Dispensary at Vada, District Thana.	Vada Taluka.

X. By Notification, Political and Reforms Department, No. 377/34, dated 25th November 1937, as subsequently amended by Government Notification, Political and Services Department, No. 352/34/II, dated 30th August 1938, the Government of Bombay is pleased to appoint the Medical Officers mentioned in column 2 of the Schedule hereto, in the employ of the concerns specified.

\*Inserted vide G.N., P. & S.D., No. 352/34 of 16th December 1942.

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against them in column 3 of the said schedule, to be Certifying Surgeons for the purposes of the Hazardous Occupations (Lead) Rules, 1937, within the local limits specified against them in column 4 of the said schedule :—

SCHEDULE			
No. 1	Designation of Medical Officers 2	Name of concerns 3	Local Limit 4
1	The District Medical Officer (Health), 335, Parel Road, Byculla, Bombay.	G. I. P. Railway	Transportation workshop at Wadi Bunder and Parel and Matunga Workshops of the G.I.P. Railway.
2	Assistant Medical Officer, (Health), 335, Parel Road, Byculla, Bombay.	Do	Do
3	The Medical Officer, Parel, Bombay.	B. B. & C. I. Railway	do
4	The Chief Medical Officer	Do	Train lighting workshop at Parel and Bombay Central and Parel Workshop of the B. B. & C. I. Railway.
5	The Officer in charge H.M.'s Indian Naval Dockyard Dispensary, Bombay.	H. M.'s Indian Naval Dockyard Bombay	The Agent's Office Printing Press, Churchgate. H. M.'s Indian Naval Dockyard, Bombay.

XI. By Notification, Political and Reforms Department, No. 352/34 (i), dated 18th November 1935, factories noted below have been exempt from the provisions of the Sub-section (1) of Section 41 of the Factories Act, 1934 (XXV of 1934), in respect of workers other than children or adolescents not possessing certificates of fitness to work in a factory as adults employed therein for definite periods of work laid down in the notice required by Sub-section (3) of Section 39 of the said Act :

Provided that this exemption shall not apply to any factory in which all the adult workers are not required to work within the same periods, nor to workers, exempted from the provisions of Sections 34 and/or 36, under Clauses (b) and (c) of Sub-section (2) of Section 43 or under Sub-section (2) of Section 44 of the said Act.

- (a) Government factories,
- (b) Cotton spinning and weaving factories,
- (c) Hosiery factories,
- (d) Silk factories,
- (e) Woollen factories, and
- (f) Railway Workshops.

XII. By Notification, Political and Reforms Department, No. 352/34 (j), dated 18th November 1935, it is directed that in respect of all factories except cotton spinning and weaving mills

the limits of working hours for women and children shall be varied from between 6 a.m. and 7 p.m. to between 6-30 a.m. and 7-30 p.m. during the period from November 1st to March 31st, both days inclusive.

XIII. By Notification, Political and Reforms Department, No. 352/34 (k), dated 18th November 1935, the Chief Inspector of Factories, Senior and Junior Inspectors of Factories have been appointed under Section 492 (1) of the Code of Criminal Procedure, 1898 (V of 1898), to be Public Prosecutors throughout the Province of Bombay for the purpose of conducting prosecutions under the Factories Act, 1934 (XXV of 1934).

XIV. By Notification, No. L.-3050, Government of India, Department of Industries and Labour, dated 8th August 1935, republished in Government Notification, Political and Reforms Department, No. 377/34, dated 13th August 1935, the Governor-General in Council is pleased to make the following rule :—

#### RULE

The Manager of every factory shall furnish to the Inspector of Factories or other officer designated by the Provincial Government in this behalf the following returns, namely :—

I. On or before the 15th January of each year, an annual return in duplicate in the form set forth in the schedule hereto annexed :

Provided that in the case of a factory in which work is carried on only during a certain season or certain seasons of the year, the Manager shall, if so required by the Provincial Government, or, if the Provincial Government so directs, by the Chief Inspector of Factories, submit the annual return within fifteen days after the close of that season or of the last of those seasons as the case may be.

II. Before the end of each calendar month, a return giving notice of all the days on which it is intended to close the factory during the next ensuing month. This return shall be submitted whether the factory is or is not working during the calendar month preceding the month to which the return relates :

Provided that the Provincial Government may dispense with this return in the case of any specified factory or of any class of factories or of the factories in any particular area.

#### SCHEDULE

Name of factory.	Year ending 31st Dec. 193 .
	Season(s) ending 193 .
Name of Occupier.	Name of Manager.

(3) which observe holidays according to a list approved by the Inspector of Factories :

Provided, however, that where the Manager of any factory makes any departure from such a holiday or list of holidays as aforesaid, prior intimation shall be given to the Inspector of Factories.

Cocaine eye-drops.

Managers of Factories.

Possession of—by, for use in first-aid boxes.

## GOVERNMENT OF BOMBAY

### REVENUE DEPARTMENT

Resolution No. 4362/33

BOMBAY CASTLE, 26TH SEPTEMBER 1935

Letter from the Commissioner of Excise (Mr. J. P. Brander, I.C.S.), No. 73-31/35, dated the 14th September 1935 :—

\* \* \* \* \*

#### Resolution

Government are pleased to direct that managers of factories should be allowed to possess, in their first-aid boxes eye-drops containing 0.5 per cent of cocaine under permits issued by the Collector and in such quantities as he may deem fit considering the requirements of each factory.

2. The managers of factories should be required to maintain accounts of cocaine eye-drops obtained and used by them in the forms\* submitted by the Commissioner of Excise which are approved.

\*Printed on page 189.

Accompaniments to Government Resolution, Revenue Department, No. 4362/33, dated the 26th September 1935.

#### PERMIT FOR THE POSSESSION OF COCAINE EYE-DROPS BY MANAGERS OF FACTORIES.

The Manager of  
is hereby authorised to possess eye-drops containing in the aggregate grains of cocaine in the first-aid box which he is required to maintain in accordance with the rules framed under the Factory Act.

The manager shall maintain in the appended form an account of the quantities of the cocaine eye-drops received, used and held in balance by him.

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This permit will hold good up to the evening of 31st March 193.

Collector of

Form of account of cocaine to be kept by managers of factories who have been granted special permits for possession for use in first-aid-boxes.

	Cocaine eye-drops	Grains	Remarks
Opening balance	...		
Purchase during the month			Names of persons from whom and dates on which purchased.
Total	...		
Used during the month			
Closing balance carried to next month			

## The Indian Boilers Act, 1923

INDIA ACT NO. V OF 1923.<sup>1</sup>

An Act to consolidate and amend the Law relating to Steam-boilers.

WHEREAS it is expedient to consolidate and amend the law relating to steam-boilers; it is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Indian Boilers Act, 1923.

<sup>1</sup> For Statement of Objects and Reasons, see Gazette of India, 1922, Pt. V, p. 249; and for Report of Joint Committee, see *ibid.*, 1923, Pt. V, p. 15

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on such date<sup>1</sup> as the <sup>2</sup>[Central Government] may, by notification in the <sup>3</sup>[Official Gazette], appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) “accident” means an explosion of a boiler or steam-pipe or any damage to a boiler or steam-pipe which is calculated to weaken the strength thereof so as to render it liable to explode ;

<sup>4</sup>[(aa) “Board” means the Central Boilers Board constituted under Section 27A ;]

(b) “boiler” means any closed vessel exceeding five gallons in capacity which is used expressly for generating steam under pressure <sup>5</sup>\* \* \* and includes any mounting or other fitting attached to such vessel, which is wholly or partly under pressure when steam is shut off ;

(c) “Chief Inspector” and “Inspector” mean, respectively, a person appointed to be a Chief Inspector and an Inspector under this Act ;

<sup>6</sup>(cc) “Feed-pipe” means any pipe or connected fitting wholly or partly under pressure through which feed water passes directly to a boiler ;

(d) “owner” includes any person using a boiler as agent of the owner thereof and any person using a boiler which he has hired or obtained on loan from the owner thereof ;

(e) “prescribed” means prescribed by regulations or rules made under this Act ;

(f) “steam-pipe” means any main pipe exceeding three inches in internal diameter through which steam passes directly from a boiler to a prime-mover or other first user, and includes any connected fitting of a steam-pipe ; and

<sup>1</sup> This Act came into force on 1st January 1924, see Gen. R. & O., Vol. V, p. 134.

<sup>2</sup> Subs. by the A. O. for “G. G. in C.”

<sup>3</sup> Subs. by the A. O. for “Gazette of India.”

<sup>4</sup> Ins. by the Indian Boilers (Amendment) Act, 1937 (11 of 1937), s. 3.

<sup>5</sup> The words “for use outside such vessel” rep. by the Indian Boilers (Amendment) Act, 1929 (9 of 1929), s. 2.

<sup>6</sup> Added vide G. of B. Gazette Part IV, pp. 171-172 of 30/8/43

(g) "structural alteration, addition or renewal" shall not be deemed to include any renewal or replacement of a petty nature when the part or fitting used for replacement is not inferior in strength, efficiency or otherwise to the replaced part or fitting.

**<sup>1</sup>(2A) Application of the Act to feed-pipes—**

Every reference in this Act (except where the word "steam-pipe" is used in clause "f" of Section 2), to a steam-pipe or steam-pipes shall be deemed to include also a reference to feed-pipe or feed-pipes respectively.

**Limitation of application.**

3. (1) Nothing in this Act shall apply in the case of any boiler or steam-pipe—

(a) in any steam-ship as defined in Section 3 of the <sup>2</sup>Indian Steam-ships Act, 1884, or in any steam-vessel as defined in Section 2 of the Inland Steam-vessels Act, 1917; or

(b) belonging to or under the control of His Majesty's Navy or <sup>3</sup>[the Royal Indian Navy]; or<sup>4</sup>

(c)<sup>5</sup> appertaining to a sterilizer or disinfector of a type such as is commonly used in hospitals, if the boiler does not exceed 20 gallons in capacity.

(2) The <sup>6</sup>[Safety Controlling Authority] may, by notification in the <sup>7</sup>[*Official Gazette*], declare that the provisions of this Act shall not apply in the case of boilers or steam-pipes, or of any specified class of boilers or steam-pipes, belonging to or under the control of any railways<sup>8</sup> administered <sup>9</sup>[by the Federal Railway Authority or by any Provincial Government] or by any railway company

<sup>1</sup> Added *vide* G. of B. Gaz., Part IV, pp. 171-172 of 30/8/43.

<sup>2</sup> See now the Indian Merchant Shipping Act, 1923 (21 of 1923), s. 2.

<sup>3</sup> Subs. by the A. O. for "the Royal Indian Marine Service."

<sup>4</sup> Added *vide* G. of B. Gazette, Part IV, p. 56 of 19/3/42.

<sup>5</sup> Ibid.

<sup>6</sup> Subs. by the A. O. for "G. G. in C."

<sup>7</sup> Subs. by the A. O. for "*Gazette of India*."

<sup>8</sup> For list of Railways notified under this section, see Gen. R. & O., Vol. V, p. 134.

<sup>9</sup> Subs. by the A. O. for "by the Govt."



as defined in clause (5) of Section 3 of the Indian Railways Act 1890.

<sup>1</sup>[In this sub-section, "Safety Controlling Authority" has the same meaning as in the Indian Railways Act, 1890.]

**Power to limit extent.**

4. The <sup>2</sup>[Provincial Government] may, by notification in the <sup>3</sup>[*Official Gazette*], exclude<sup>4</sup> any specified area from the operation of all or any specified provisions of this Act.

**Appointment of Chief Inspectors and Inspectors.**

5. (1) The <sup>5</sup>[Provincial Government] may appoint such persons as it thinks fit to be Inspectors for the Province for the purposes of this Act, and may define the local limits within which each Inspector shall exercise the powers and perform the duties conferred and imposed on Inspectors by or under this Act.

(2) The <sup>5</sup>[Provincial Government] shall likewise appoint a person to be Chief Inspector for the Province, who may, in addition to the powers and duties conferred or imposed on the Chief Inspector by or under this Act, exercise any power or perform any duty so conferred or imposed on Inspectors.

(3) Every Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code.

**Prohibition of use of unregistered or uncertificated boiler.**

6. Save as otherwise expressly provided in this Act, no owner of a boiler shall use the boiler or permit it to be used—

- (a) unless it has been registered in accordance with the provisions of this Act ;
- (b) in the case of any boiler which has been transferred from one Province to another, until the transfer has been reported in the prescribed manner ;

<sup>1</sup> Ins. by the A. O.

<sup>2</sup> Subs. by the A. O. for "G. G. in C."

<sup>3</sup> Subs. by the A. O. for "Gazette of India."

<sup>4</sup> The Andaman and Nicobar Islands have been excluded from the operation of the provisions of this Act, see Gen. R. & O., Vol. V, p. 135.

<sup>5</sup> Subs. by the A. O. for "L. G."

- (c) unless a certificate or provisional order authorising the use of the boiler is for the time being in force under this Act;
- (d) at a pressure higher than the maximum pressure recorded in such certificate or provisional order;
- (e) where the <sup>1</sup>[Provincial Government] has made rules requiring that boilers shall be in charge of persons holding certificates of competency, unless the boiler is in charge of a person holding the certificate required by such rules:

Provided that any boiler registered, or any boiler certified or licensed, under any Act hereby repealed shall be deemed to have been registered or certified, as the case may be, under this Act:

. 2

\*

\*

\*

### Registration.

7. (1) The owner of any boiler which is not registered under the provisions of this Act may apply to the Inspector to have the boiler registered. Every such application shall be accompanied by the prescribed fee.

(2) On receipt of an application under sub-section (1) the Inspector shall fix a date, within thirty days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days' notice of the date so fixed.

(3) On the said date the Inspector shall proceed to measure and examine the boiler and to determine in the prescribed manner the maximum pressure, if any, at which such boiler may be used, and shall report the result of the examination to the Chief Inspector in the prescribed form.

(4). The Chief Inspector, on receipt of the report may—

- (a) register the boiler and assign a register number thereto either forthwith or after satisfying himself that any structural alteration, addition or re-

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<sup>1</sup> Subs. by the A. O. for "L. G."

<sup>2</sup> Deleted by Repealing and Amending Act, 1939 (34 of 1939).

newal which he may deem necessary has been made in or to the boiler or any steam-pipe attached thereto, or

(b) refuse to register the boiler :

Provided that where the Chief Inspector refuses to register a boiler, he shall forthwith communicate his refusal to the owner of the boiler together with the reasons therefor.

(5) The Chief Inspector shall, on registering the boiler, order the issue to the owner of a certificate in the prescribed form authorising the use of the boiler for a period not exceeding twelve months at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act.

(6) The Inspector shall forthwith convey to the owner of the boiler the orders of the Chief Inspector and shall in accordance therewith issue to the owner any certificate of which the issue has been ordered, and, where the boiler has been registered, the owner shall within the prescribed period cause the register number to be permanently marked thereon in the prescribed manner.

#### **Renewal of certificate.**

8. (1) A certificate authorising the use of a boiler shall cease to be in force—

- (a) on the expiry of the period for which it was granted ; or
- (b) when any accident occurs to the boiler ; or
- (c) when the boiler is moved, the boiler not being a vertical boiler the heating surface of which is less than two hundred square feet, or a portable or vehicular boiler ; or
- (d) when any structural alteration, addition or renewal is made in or to the boiler ; or
- (e) if the Chief Inspector in any particular case so directs, when any structural alteration, addition, or renewal is made in or to any steam-pipe attached to the boiler ; or
- (f) on the communication to the owner of the boiler

of an order of the Chief Inspector or Inspector prohibiting its use on the ground that it or any steam-pipe attached thereto is in a dangerous condition.

(2) Where an order is made under clause (f) of sub-section (1) the grounds on which the order is made shall be communicated to the owner with the order.

(3) When a certificate ceases to be in force, the owner of the boiler may apply to the Inspector for a renewal thereof for such period not exceeding twelve months as he may specify in the application.

(4) An application under sub-section (3) shall be accompanied by the prescribed fee and, on receipt thereof, the Inspector shall fix a date, within thirty days or such shorter period as may be prescribed from the date of the receipt, for the examination of the boiler and shall give the owner thereof not less than ten days' notice of the date so fixed :

Provided that, where the certificate has ceased to be in force owing to the making of any structural alteration, addition or renewal, the Chief Inspector may dispense with the payment of any fee.

(5) On the said date the Inspector shall examine the boiler in the prescribed manner, and if he is satisfied that the boiler and the steam-pipe or steam-pipes attached thereto are in good condition shall issue a renewed certificate authorising the use of the boiler for such period not exceeding twelve months and at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act :

Provided that if the Inspector—

(a) proposes to issue any certificate—

(i) having validity for a less period than the period entered in the application, or

(ii) increasing or reducing the maximum pressure at which the boiler may be used, or

(b) proposes to order any structural alteration, addi-

tion or renewal to be made in or to the boiler or any steam-pipe attached thereto, or

- (c) is of opinion that the boiler is not fit for use, the Inspector shall, within forty-eight hours of making the examination, inform the owner of the boiler in writing of his opinion and the reasons therefor and shall forthwith report the case for orders to the Chief Inspector.

(6) The Chief Inspector, on receipt of a report under sub-section (5), may, subject to the provisions of this Act and of the regulations made hereunder, order the renewal of the certificate in such terms and on such conditions, if any, as he thinks fit, or may refuse to renew it :

Provided that where the Chief Inspector refuses to renew a certificate, he shall forthwith communicate his refusal to the owner of the boiler, together with the reasons therefor.

(7) Nothing in this Section shall be deemed to prevent an owner of a boiler from applying for a renewed certificate therefor at any time during the currency of a certificate.

#### **Provisional orders.**

9. Where the Inspector reports the case of any boiler to the Chief Inspector under sub-section (3) of Section 7 or sub-section (5) of Section 8, he may, if the boiler is not a boiler the use of which has been prohibited under clause (f) of sub-section (1) of Section 8, grant to the owner thereof a provisional order in writing permitting the boiler to be used at a pressure not exceeding such maximum pressure as he thinks fit and as is in accordance with the regulations made under this Act pending the receipt of the orders of the Chief Inspector. Such provisional order shall cease to be in force—

- (a) on the expiry of six months from the date on which it is granted, or
- (b) on receipt of the orders of the Chief Inspector, or
- (c) in any of the cases referred to in clauses (b) (c),

(d), (e) and (f) of sub-section (1) of Section 8, and on so ceasing to be in force shall be surrendered to the Inspector.

**Use of boiler pending grant of certificate.**

10. (1) Notwithstanding anything hereinbefore contained, when the period of a certificate relating to a boiler has expired, the owner shall, provided that he has applied before the expiry of that period for a renewal of the certificate, be entitled to use the boiler at the maximum pressure entered in the former certificate pending the issue of orders on the application.

(2) Nothing in sub-section (1) shall be deemed to authorise the use of a boiler in any of the cases referred to in clauses (b), (c), (d), (e) and (f) of sub-section (1) of Section 8 occurring after the expiry of the period of the certificate.

**Revocation of certificate or provisional order.**

11. The Chief Inspector may at any time withdraw or revoke any certificate or provisional order on the report of an Inspector or otherwise—

- (a) if there is reason to believe that the certificate or provisional order has been fraudulently obtained or has been granted erroneously or without sufficient examination ; or
- (b) if the boiler in respect of which it has been granted has sustained injury or has ceased to be in good condition ; or
- (c) where the <sup>1</sup>[Provincial Government] has made rules requiring that boilers shall be in charge of persons holding certificates of competency, if the boiler is in charge of a person not holding the certificate required by such rules ; or
- (d) where no such rules have been made, if the boiler is in charge of a person who is not, having regard to the condition of the boiler, in the opinion of the Chief Inspector competent to have charge thereof :

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<sup>1</sup> Subs. by A. O. for "L. G."

Provided that where the Chief Inspector withdraws or revokes a certificate or provisional order on the ground specified in clause (d), he shall communicate to the owner of the boiler his reasons in writing for the withdrawal or revocation, and the order shall not take effect until the expiry of thirty days from the receipt of such communication.

#### **Alterations and renewals to boilers.**

12. No structural alteration, addition or renewal shall be made in or to any boiler registered under this Act unless such alteration, addition or renewal has been sanctioned in writing by the Chief Inspector.

#### **Alterations and renewals to steam-pipes.**

13. Before the owner of any boiler registered under this Act makes any structural alteration, addition or renewal in or to any steam-pipe attached to the boiler, he shall transmit to the Chief Inspector a report in writing of his intention, and shall send therewith such particulars of the proposed alteration, addition or renewal as may be prescribed.

#### **Duty of owner at examination.**

14. (1) On any date fixed under this Act for the examination of a boiler, the owner thereof shall be bound—

- (a) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of him ;
- (b) to have the boiler properly prepared and ready for examination in the prescribed manner ; and
- (c) in the case of an application for the registration of a boiler, to provide such drawings, specifications, certificates and other particulars as may be prescribed.

(2) If the owner fails, without reasonable cause, to comply with the provisions of sub-section (1), the Inspector shall refuse to make the examination and shall report the case to the Chief Inspector who shall, unless sufficient cause to the contrary is shown, require the owner to file a fresh

application under Section 7 or Section 8, as the case may be, and may forbid him to use the boiler notwithstanding anything contained in Section 10.

**Production of certificates, etc.**

15. The owner of any boiler who holds a certificate or provisional order relating thereto shall, at all reasonable times during the period for which the certificate or order is in force, be bound to produce the same when called upon to do so by a District Magistrate, Commissioner of Police or Magistrate of the first class having jurisdiction in the area in which the boiler is for the time being, or by the Chief Inspector or by an Inspector or by any Inspector appointed under the Indian Factories Act, 1911,<sup>1</sup> or by any person specially authorised in writing by a District Magistrate or Commissioner of Police.

**Transfer of certificates, etc.**

16. If any person becomes the owner of a boiler during the period for which a certificate or provisional order relating thereto is in force, the preceding owner shall be bound to make over to him the certificate or provisional order.

**Powers of entry.**

17. An Inspector may, for the purpose of inspecting or examining a boiler or any steam-pipe attached thereto or of seeing that any provision of this Act or of any regulation or rule made hereunder has been or is being observed, at all reasonable times enter any place or building within the limits of the area for which he has been appointed in which he has reason to believe that a boiler is in use.

**Report of accidents.**

18. (1) If any accident occurs to a boiler or steam-pipe, the owner or person in charge thereof shall, within twenty-four hours of the accident, report the same in writing to the Inspector. Every such report shall contain a true description of the nature of the accident and of the

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<sup>1</sup>See now the Indian Factories Act 1934 (23 of 1934).



injury, if any, caused thereby to the boiler or to the steam-pipe or to any person, and shall be in sufficient detail to enable the Inspector to judge of the gravity of the accident.

(2) Every person shall be bound to answer truly to the best of his knowledge and ability every question put to him in writing by the Inspector as to the cause, nature or extent of the accident.

#### **Appeals to Chief Inspector.**

19. Any person considering himself aggrieved by—

(a) an order made or purporting to be made by an Inspector in the exercise of any power conferred by or under this Act, or

(b) a refusal of an Inspector to make any order or to issue any certificate which he is required or enabled by or under this Act to make or issue,

may, within thirty days from the date on which such order or refusal is communicated to him, appeal against the order or refusal to the Chief Inspector.

#### **Appeals to appellate authority.**

20. Any person considering himself aggrieved by an original or appellate order of the Chief Inspector—

(a) refusing to register a boiler or to grant or renew a certificate in respect of a boiler ; or

(b) refusing to grant a certificate having validity for the full period applied for ; or

(c) refusing to grant a certificate authorising the use of a boiler at the maximum pressure desired ; or

(d) withdrawing or revoking a certificate or provisional order ; or

(e) reducing the amount of pressure specified in any certificate or the period for which such certificate has been granted ; or

(f) ordering any structural alteration, addition or renewal to be made in or to a boiler or steam-pipe or refusing sanction to the making of any structural alteration, addition or renewal in or to a boiler,

may, within thirty days of the communication to him of

such order, lodge with the Chief Inspector an appeal to an appellate authority to be constituted by the <sup>1</sup>[Provincial Government] under this Act.

**Finality of orders.**

21. An order of an appellate authority under Section 20 and, save as otherwise provided in Sections 19 and 20, an order of the Chief Inspector or of an Inspector shall be final and shall not be called in question in any Court.

**Minor penalties.**

22. Any owner of a boiler who refuses or without reasonable excuse neglects—

- (i) to surrender a provisional order as required by Section 9, or
- (ii) to produce a certificate or provisional order when duly called upon to do so under Section 15, or
- (iii) to make over to the new owner of a boiler a certificate or provisional order as required by section 16,

shall be punishable with fine which may extend to one hundred rupees.

**Penalties for illegal use of boiler.**

23. Any owner of a boiler who, in any case in which a certificate or provisional order is required for the use of the boiler under this Act, uses the boiler either without any such certificate or order being in force or at a higher pressure than that allowed thereby, shall be punishable with fine which may extend to five hundred rupees, and, in the case of a continuing offence, with an additional fine which may extend to one hundred rupees for each day after the first day in regard to which he is convicted of having persisted in the offence.

**Other penalties.**

24. Any person who—

- (a) uses or permits to be used a boiler of which he is the owner and which has been transferred from

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<sup>1</sup> Subs. by the A. O. for "L. G."

- one Province to another without such transfer having been reported as required by section 6, or
- (b) being the owner of a boiler fails to cause the registered number allotted to the boiler under this Act to be marked on the boiler as required by sub-section (6) of section 7, or
  - (c) makes any structural alteration, addition or renewal in or to a boiler without first obtaining the sanction of the Chief Inspector when so required by section 12, or to a steam-pipe without first informing the Chief Inspector, when so required by section 13, or
  - (d) fails to report an accident to a boiler or steam-pipe when so required by section 18, or
  - (e) tampers with a safety valve of a boiler so as to render it inoperative at the maximum pressure at which the use of the boiler is authorised under this Act,

shall be punishable with fine which may extend to five hundred rupees.

**Penalty for tampering with register mark.**

25. (1) Whoever removes, alters, defaces, renders invisible or otherwise tampers with the register number marked on a boiler in accordance with the provisions of this Act or any Act repealed hereby, shall be punishable with fine which may extend to five hundred rupees.

(2) Whoever fraudulently marks upon a boiler a register number which has not been allotted to it under this Act or any Act repealed hereby, shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

**Limitation and previous sanction for prosecutions.**

26. No prosecution for an offence made punishable by or under this Act shall be instituted except within six months from the date of the commission of the offence, and no such prosecution shall be instituted without the previous sanction of the Chief Inspector.

**Trial of offences.**

27. No offence made punishable by or under this Act shall be tried by a Court inferior to that of a Presidency Magistrate or a Magistrate of the first class.

**Central Boilers Board.**

<sup>1</sup>[27A. (1) A Board to be called the Central Boilers Board shall be constituted to exercise the powers conferred by section 28.

(2) The Board shall consist of fourteen members, namely :—

- (a) a chairman to be nominated by the <sup>2</sup>[Central Government] ;
- (b) one member to be nominated by each of the <sup>3</sup>[Provincial Governments] of Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar, the Central Provinces <sup>4</sup>[and Berar], Assam, the North-West Frontier Province, Sind and Orissa ;
- (c) one member, holding office for a period of three years, to be nominated alternately by the <sup>3</sup>[Provincial Government] of Delhi and the <sup>3</sup>[Provincial Government] of Ajmer-Merwara ; and
- (d) one member to be nominated by the Chief Commissioner of Railways.

(3) Any vacancy occurring in the Board, otherwise than by the expiry of the term of office of the member referred to in clause (c) of sub-section (2), shall be filled as soon as may be by a nomination made by the authority by whom the member vacating office was nominated.

(4) The Board shall have full power to regulate by by-laws or otherwise its own procedure and the conduct of all business to be transacted by the Board.

(5) The powers of the Board may be exercised notwithstanding any vacancy in the Board.]

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<sup>1</sup> S. 27A was ins. by the Indian Boilers (Amendment) Act, 1937 (11 of 1937), s. 4.

<sup>2</sup> Subs. by the A. O. for "G. G. in C."

<sup>3</sup> Subs. by the A. O. for "Local Governments,"

<sup>4</sup> Ins. by the A. O.

**Power to make regulations.**

28. The <sup>1</sup>[Board] may, by notification in the *Gazette of India*, make regulations<sup>2</sup> consistent with this Act for all or any of the following purposes, namely :—

- (a) for laying down the standard conditions in respect of material, design and construction which shall be required for the purpose of enabling the registration and certification of a boiler under this Act ;
- <sup>3</sup>[(aa) for prescribing the circumstances in which, the extent to which, and the conditions subject to which variation from the standard conditions laid down under clause (a) may be permitted;]
- (b) for prescribing the method of determining the maximum pressure at which a boiler may be used ;
- (c) for regulating the registration of boilers, prescribing the fees payable therefor, the drawings, specifications, certificates and particulars to be produced by the owner, the method of preparing a boiler for examination, the form of the Inspector's report thereon, the method of marking the register number, and the period within which such number is to be marked on the boiler ;
- (d) for regulating the inspection and examination of boilers and steam-pipes, and prescribing forms of certificates therefor ;
- (e) for ensuring the safety of persons working inside a boiler ; and
- (f) for providing for any other matter which is not, in the opinion of the <sup>1</sup>[Board], a matter of merely local or provincial importance.

**Power to make rules.**

29. The <sup>4</sup>[Provincial Government] may, by notification in the <sup>5</sup>[*Official Gazette*], make rules<sup>6</sup> consistent with this

<sup>1</sup> Subs. by the Indian Boilers (Amendment) Act, 1937 (11 of 1937), s. 5, for "G.G. in C."

<sup>2</sup> For the Indian Boiler Regulations, 1924, see Gen. R. & O., Vol. V, p. 136. These Regulations, which were made by the G. G. in C. shall be deemed to have been made by the Board see the Rules and Regulations Continuance Act, 1937 (24 of 1937).

<sup>3</sup> Ins. by Act 11 of 1937, s. 5

<sup>4</sup> Subs. by the A. O. for "L. G."

<sup>5</sup> Subs. by the A. O. for "Local Official Gazette."

<sup>6</sup> For such rules for Coorg, see Notification No. 37, dated 31st March 1925, in the Coorg District Gazette, 1925, Pt. I, p. 26.

Act and the regulations made thereunder for all or any of the following purposes, namely :—

- (a) for prescribing the qualifications and duties of the Chief Inspector and of Inspectors, <sup>1</sup>\* \* \* for prescribing or constituting authorities to which they shall respectively be subordinate, and the limits of the administrative control to be exercised by such authorities ; .
- (b) for regulating the transfer of boilers ;
- (c) for providing for the registration and certification of boilers in accordance with the regulations made under this Act ;
- (d) for requiring boilers to be in charge of persons holding certificates of competency, and for prescribing the conditions on which such certificates may be granted ;
- (e) for prescribing the times within which Inspectors shall be required to examine boilers under section 7 or section 8 ;
- (f) for prescribing the fees payable for the issue of renewed certificates and the method of determining the amount of such fees in each case ;
- (g) for regulating inquiries into accidents ;
- (h) for constituting the appellate authority referred to in section 20, and for determining its powers and procedure ;
- (i) for determining the mode of disposal of fees, costs and penalties levied under this Act ; and .
- (j) generally to provide for any matter which is, in the opinion of the <sup>2</sup>[Provincial Government], a matter of merely local importance in the Province.

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### Penalty for breach of rules.

30. Any regulation or rule made under section 28 or section 29 may provide that a contravention thereof shall

<sup>1</sup> The words "for regulating their salary, allowances and conditions of service" rep. by the A. O.

<sup>2</sup> Subs. by the A. O. for "L. G."

<sup>3</sup> The proviso was rep. by the A. O.

be punishable with fine which may extend to one hundred rupees.

**Publication of regulations and rules.**

31. (1) The power to make regulations and rules conferred by sections 28 and 29 shall be subject to the condition of the regulations and rules being made after previous publication.

(2) Regulations and rules so made shall be published in the *Gazette of India* and the local *Official Gazette*, respectively, and, on such publication, shall have effect as if enacted in this Act.

**Recovery of fees, etc.**

32. All fees, costs and penalties levied under this Act shall be recoverable as arrears of land-revenue.

**Applicability to the Crown.**

33. Save as otherwise expressly provided, this Act shall apply to boilers and steam-pipes belonging to the Crown.

**Exemptions.**

34. <sup>1</sup>[(1) The <sup>2</sup>[Provincial Government] may, by notification in the <sup>3</sup>[*Official Gazette*], exempt from the operation of this Act, subject to such conditions and restrictions as it thinks fit, any boilers or classes or types of boilers used exclusively for the heating of buildings or the supply of hot water.]

**Power to suspend in case of emergency.**

<sup>1</sup>[(2)]In case of any emergency, the <sup>2</sup>[Provincial Government] may, by general or special order in writing, exempt any boiler or steam pipe from the operation of all or any of the provisions of this Act.

35. [Repeal of enactments.] Rep. by the Repealing Act, 1927 (XII of 1927), s. 2 and Sch.

THE SCHEDULE.—[Enactments Repealed.] Rep. by the Repealing Act, 1927 (XII of 1927), s. 2 and Sch.

<sup>1</sup> The original s. 34 was renumbered as sub-section (2), and sub-section (1) was ins., by the Indian Boilers (Amendment) Act, 1929 (9 of 1929), s. 3.

<sup>2</sup> Subs. by the A. O. for "L. G."

<sup>3</sup> Subs. by the A. O. for "Local Official Gazette."

For details regarding standard conditions for the Design and Construction of Land Boilers and for materials of construction etc., reference may be made to Indian Boiler Regulations 1924. (Not reproduced in this book).

## The Indian Boilers Act

### THE BOMBAY BOILER RULES

#### GENERAL DEPARTMENT

BOMBAY CASTLE, 15TH DECEMBER 1924

No. 4667-II. In exercise of the powers conferred by Section 29 of the Indian Boilers Act, 1923 (Act No. V of 1923), and in supersession of all previous rules under the Bombay Boiler Inspection Act, 1891, as amended by Bombay Boiler Inspection (Amendment) Act, 1923 (Bom. Act No. VII of 1923), the Governor in Council is pleased to make the following rules, namely :—

### THE BOMBAY BOILER RULES, 1924

#### I.—PRELIMINARY

##### Division into parts

1. These rules are divided into three parts as follows, namely :—

- PART I.—Boiler Inspection Administrative Rules ;
- PART II.—Boiler Attendants' Rules ; and
- PART III.—Engineers' Examination Rules.

All the three Parts, with the exception of Section IX of Part II, shall come into force from the date of this notification. Section IX of Part II shall come into force from the 1st July 1925.

##### Definitions

2. In these rules, unless there is anything repugnant in the subject or context,—

- (a) "the Act" means the Indian Boilers Act, 1923 ;
- (b) "Section" means a section of the said Act ;
- (c) "Regulation" means a regulation framed by the Board under Section 28 of the said Act ;
- (d) "Rule" means a rule framed by the Government of Bombay, under Section 29 of the said Act ;
- (e) "Commissioner" means the Commissioner of Labour, Bombay, or any deputy appointed by him under any rule allowing the appointment of a deputy.



**Payment of fees**

3. All fees payable under the Act shall be deposited by the payer in a Government Treasury or the Reserve Bank of India, in the Province of Bombay.

Applications under Sections 7 and 8 of the Act to which the treasury or bank receipt is affixed shall be deemed to be accompanied by the prescribed fee.

All fees, costs and penalties levied under the Act shall be disposed of in such manner as the Provincial Government shall from time to time direct.

**Location of offices**

4. The location and charge of the offices for the undermentioned areas shall be as follows :—

<i>Area</i>	<i>Location</i>	<i>Officer-in-Charge</i>
For the Province	Secretariat, Bombay	Chief Inspector
For the Collectorates of Ahmedabad, Kaira, Broach, and Panch Mahals and Surat	Boiler Inspection Office, Ahmedabad.	Inspector.

**PART I****BOILER INSPECTION ADMINISTRATIVE RULES****II.—DUTIES OF THE CHIEF INSPECTOR****Administrative control**

5. The Chief Inspector shall work under the administrative control of the Commissioner of Labour, Bombay, and shall submit to him—

- (a) an Annual Report on the administration of the Act ;
- (b) such other reports and returns as may be called for.

**Duty of general control**

6. The Chief Inspector is vested with all the powers of an Inspector under the Act. His main duty, however, consists in supervising and controlling the work of the Inspectors, and he should only actually inspect or examine boilers in exceptional cases, or where he considers that the work of an Inspector requires a personal check.

**Specific duties**

7. The Chief Inspector shall—

- (a) personally check the registration particulars and calculations submitted by Inspectors for all boilers inspected for registration as prescribed in Part II of the Regulations and enter under his own signature the approved working pressure and all orders required by Section 7 ;
- (b) enter under his own signature any subsequent entries required in the registration book ;

- (c) obtain from the province of registry the registration book of any boiler the transfer of which is reported under Section 6 (b) ;
- (d) fix the area under the control of each Inspector ;
- (e) approve the programmes of all inspectors subordinate to him with due regard to the convenience of owners generally ;
- (f) examine and countersign the Inspector's Memorandum of Inspection Book of each boiler after each inspection ;
- (g) examine and pass orders on the diaries and returns of inspectors ;
- (h) pass orders in all cases in which an Inspector proposes to increase or reduce the pressure allowed for any boiler under Section 8, or to revoke, cancel or refuse to renew the certificate of a boiler under Section 11, or to order important repairs, structural alterations, or renewals in a boiler under Section 8 ;
- (i) pass orders in all cases in which it is reported that after due notice the boiler has not been properly prepared for inspection ;
- (j) decide all appeals against the order of an Inspector under Section 19 ;
- (k) sanction prosecutions under the Act ;
- (l) inquire into serious accidents to boilers.

#### Instructions to owners

8. It shall be the duty of the Chief Inspector to advise owners as regards the maintenance, working and cleaning of boilers ; he should issue a set of instructions on the lines indicated in Form C of the Appendix. These instructions should be hung up in each boiler house.

#### Registers to be kept

- 9. The Chief Inspector shall keep in his office—
  - (a) a Register in Form A of all boilers registered in the province, or the registry of which has been transferred from another province ;
  - (b) the Registration Book and Memorandum of Inspection Book of all boilers borne on his register ;
  - (c) a Register of appeals ;
  - (d) a Register of accidents ;
  - (e) a Register of registration and inspection fees received.

#### Control of bills

10. The Chief Inspector shall be the controlling or counter-signing authority in respect of all contingent bills and of travelling allowance bills of officers subordinate to him.

### III.—DUTIES OF INSPECTORS

#### Subordinate to Chief Inspector

11. Inspectors shall be directly subordinate to and under the control of the Chief Inspector ; they should ordinarily be appointed to take charge of specific areas.

#### General duties of Inspectors

12. The main duties of the Inspector, as laid down in the Act, are the inspection and examination of boilers and steam-pipes. Inspections shall be carried out in strict accordance with Part II of the Regulations and Chapters IV and V of these rules..

#### Inspectors to see that boilers are worked according to law

13. In addition to the inspection and examination of boilers, it is the duty of Inspectors to search for unregistered or uncertificated boilers within their areas, and to see that certificated boilers are worked in accordance with the terms of their certificates, and with any regulation or rule under the Act for their safe working.

#### Inspectors to advise owners

14. At the time of inspection, Inspectors should advise the owner and the person in charge of the boiler of the management and upkeep of the boiler with special reference to the amount of cleaning required in view of the quality of water used.

#### Specific duties

15. Inspectors shall—

- (a) when in charge of an area beyond the limits of the City of Bombay and adjacent districts, for which inspections are arranged from day to day by the Chief Inspector, prepare a programme of inspections with regard to the convenience of owners generally in the most suitable order of places to save time and expenditure in cross journeys and submit it at such periods as may be prescribed at least 14 days before the first date fixed in the programme to the Chief Inspector for approval to enable the 10 days' notice required under Sections 7 and 8 to be given to the owner ;
- (b) maintain a Memorandum of Inspection Book for each boiler under their charge and submit it to the Chief Inspector for examination and countersignature after each inspection ;
- (c) keep a diary for weekly submission to the Chief Inspector, showing places visited, boilers registered or inspected with fees paid thereon, variations from the programme and any other important particulars ;

- (d) receive applications for registration or inspection under Sections 7 or 8, proposals for repairs, alterations, or renewals under Sections 12 and 13, and reports of accidents under Section 18 ;
- (e) inquire into accidents to boilers and steam-pipes and report to the Chief Inspector ;
- (f) report to the Chief Inspector cases of unreported accidents discovered at the time of inspection ;
- (g) submit for the orders of the Chief Inspector—
  - (i) the Memorandum of Inspection Books of all boilers proposed for registration under Section 7 ;
  - (ii) proposals for increasing or decreasing the pressure of a boiler after inspection under Section 8 ;
  - (iii) proposals for necessary repairs, structural alterations or renewals to a boiler under Section 8 or 12,
  - (iv) proposals for revoking, cancelling or refusing to renew a certificate under Section 11 or 8 ;
  - (v) report when boilers have not been properly prepared for inspection under Section 14 ;
  - (vi) proposals for prosecutions under the Act.

#### **Inspections at special times**

16. No examination of a boiler shall be made by an Inspector for the purpose of registering or issuing a certificate for a boiler on a Sunday or gazetted public holiday or between the hours of sunset and sunrise without the specific orders of the Chief Inspector in each case. In such cases an extra fee equal to the usual registration or inspection fee for the boiler may be charged and half of the extra fee may be paid to the Inspector.

#### **Attendance during hearing of appeals**

17. Under orders of the Chief Inspector, Inspectors shall attend during the hearing of appeals with regard to boilers under their charge before the Chief Inspector or the Appellate Authority.

#### **Registers to be kept**

18. Every Inspector in charge of an office shall keep :
- (a) a Register in Form A of all registered boilers situated within his jurisdiction ;
  - (b) a Register of accidents ;
  - (c) a Register of registration and inspection fees received.

### **IV.—ADMINISTRATIVE INSTRUCTIONS FOR REGISTRATION**

#### **Importance of registration**

19. Technical regulations for the registration of boilers and the scale of fees for registration are prescribed in Part II of the

Regulations. The details of measurements recorded at the time of registration constitute a permanent record for the boiler and determine the original pressure at which the boiler is allowed to work. It is accordingly essential that the work should be done with the greatest care and precision.

#### **Receipt of applications**

20. Applications for registration shall be made under Section 7 (1) either to the Chief Inspector, or to the Inspector of the local area in which the boiler is situated and shall be accompanied under Rule 3 by a receipt for the prescribed fee. No application shall be accepted without the receipt. No boiler shall be registered if on measurement the fee is found to be deficient, until the deficit has been paid. Any excess payment will be refunded at the time of registration.

#### **Necessity of avoiding delay.**

21. It is essential that no delay should occur in registration. In large towns, the measurements under Section 7 (3) should ordinarily be completed and the report submitted to the Chief Inspector within 7 days of the receipt of the application ; in no case should the interval exceed 30 days. The Chief Inspector should issue his orders under Section 7 (4) without delay.

#### **Register of registered boilers**

22. The Chief Inspector shall maintain a Register of registered boilers in serial order in form A in two parts ; in Part I (boilers originally registered in the province) the registered number of a boiler shall be the one immediately following the last serial number in the Register. Gap number due to boilers being broken up or transferred to another province shall not be filled up. In Part II (boilers originally registered in other provinces) entries shall be made as prescribed in Rule 24. Inspectors in charge of an office shall keep a similar Register for all boilers within their jurisdiction.

#### **Procedure on transfer of a boiler**

23. Whenever a boiler is transferred from another province into the Province of Bombay the owner shall, under Section 6 (b) apply to the Chief Inspector for the registration of the transfer ; the boiler cannot be used until registration has been effected. The Chief Inspector shall then obtain from the province from which the boiler was transferred the Registration Book and Memorandum of Inspection Book of the boiler. No fee shall be charged for recording transfers.

#### **Entry of transferred boiler in Register**

24. On receipt of the Registration, and Memorandum of Inspection Books, the Chief Inspector shall enter the boiler under

its original number in Part II of his Register, and shall instruct the Inspector of the local area in which the boiler is situated to enter it similarly in his Register. The Registration Book and the Memorandum of Inspection Book shall be kept in the Chief Inspector's Office:

25. Whenever a boiler has been transferred to another province or broken up, the fact shall be noted in the Register. In the case of a boiler that has been permanently dismantled the Registration Book and the Memorandum of Inspection Book shall be destroyed.

## V.—ADMINISTRATIVE INSTRUCTIONS FOR INSPECTION

### Procedure at inspections : internal inspection

26. Detailed instructions for the inspection of boilers are contained in Part II of the Regulations. The following general procedure at inspection should be observed :—

At a thorough inspection of a boiler the Inspector should, wherever the size and construction of the boiler permit, go inside it and make a thorough inspection of all its internal parts. But before doing so he should satisfy himself that proper provision has been made for disconnection from any other boiler under steam.

Should he find that proper provision for disconnection has not been made or that the boiler has not been properly cleaned or scaled or that it is unreasonably hot he should decline to proceed with the inspection and should report the facts to the Chief Inspector for orders under Section 14 (2) of the Act. When a boiler is of such a size or its construction is such that the Inspector cannot go inside it there must be sufficient sight holes or hand holes provided to enable him to see the principal internal parts. If any important part of a boiler is so constructed that the Inspector cannot examine it he should report the facts to the Chief Inspector for orders.

### External inspection

27. Boilers must be examined externally as well as internally; particular attention should be paid to the external parts of the boilers where in contact with seating blocks and brick-work, especially when the situation is damp. Having regard to many serious defects discovered, inspectors should take care, in order to ensure proper inspection, that boilers, of which the whole of the outside cannot be readily examined, are cleared whenever they consider it necessary of any concealing covering, supports or fittings.

Saddle tanks and engine fittings of locomotive type boilers should be removed for inspection of the parts underneath at the first inspection and at any reasonable period afterwards if the Inspector cannot satisfy himself. If the owners in any special case have any good reasons for not wishing to clear covered parts the case should be submitted to the Chief Inspector for orders. The Inspector must keep in mind that he is not to certify as efficient any boiler regarding the condition of which he cannot thoroughly satisfy himself.

#### **Casual working inspections**

28. At the inspection of one of a battery of boilers the Inspector should take the opportunity of examining the other boilers under steam with special reference to the water gauges, pressure gauges and safety valves.

#### **Proposals for reduction of pressure**

29. When the Inspector decides that a boiler in one or more of its parts is no longer fit for the pressure approved for it he should, without delay, report his proposals for reducing the pressure to the Chief Inspector and at the same time submit his calculations for the wasted parts for check and approval of pressure. With regard to pitting and wasting of shell plates the Inspector must bear in mind that shell plates ordinarily are considerably stronger in the body of the plate, owing to being unpierced, than at the seams and consequently may become reduced in thickness to an appreciable extent in the body of the plate, i.e., elsewhere than at the seams, and still be stronger than the seams.

#### **Repairs to boilers**

30. Under Section 12 of the Act the sanction of the Chief Inspector to all repairs proposed for boilers must be obtained beforehand.

A few water tubes or smoke tubes, however, may in an emergency be renewed pending the sanction of the Chief Inspector but all such cases must be reported immediately to the Chief Inspector who may, if he deems fit, notify his sanction to the owner without verification of the renewals by an Inspector.

Generally in repairing boilers the object to be obtained is to make up for damage or wastage by suitable compensation, either by renewal or repair of the part affected. Covering patches applied with the object of hiding defects are a source of danger and must not be passed.

Welding by electric and oxy-acetylene processes may be employed in the repair of boilers, but, as the efficiency of the welding depends largely on the skill and care of the operator each case will have to be decided on its merits.

Proper attention must be paid to the annealing of welded parts. An Inspector should, wherever possible, be present during some part, at least, of the welding operations.

Extensive repairs such as renewal of furnaces, end plates, parts of shell, fireboxes, girders, etc., should be supervised, so far as his other duties permit, by the Inspector, and at such times when fireboxes and smoke tubes of locomotive type boilers are withdrawn, advantage of the opportunity should be taken to inspect the internal parts otherwise inaccessible to close inspection.

Repairs to boilers are prescribed in Part II, Chapter I, Regulation 164, of the Regulations.

### Entries in Memorandum of Inspection Books

31. An Inspector shall, as soon as convenient after an inspection, make the necessary entries in the Memorandum of Inspection Book for the boiler and submit the book to the Chief Inspector. Care should be taken to preserve the books and to keep them clean. Inspection notes should briefly state to what extent boilers were cleared of brick-work, lagging or concealing parts; the general condition of the boiler; parts requiring attention or repair and if special preparation is required at the next inspection.

Inspectors should also note in the Memorandum of Inspection Books all casual visits, inspections of steam pipes, visits for inspection of repair, inquiry into accidents, etc., and so provide a useful record of the history of the boiler for the information and guidance of Inspectors at subsequent inspections.

In making inspections it is important that the Inspector should pay particular attention to entries made in the Memorandum of Inspection Book at previous inspections.

### Entries in certificates

32. In addition to the entries required to be made under Regulation 162 in a certificate for a boiler the Inspector should state in the remarks column his requirements, if any, with regard to hydraulic test, removal of lagging, brick-work or other concealing part for the next inspection to enable the owner to have the same properly prepared at that time. He should also state in the same place his requirements regarding the repair or renewal of any part that may be considered fit only for the period of the certificate.

In the repairs column should be entered the year of repair and description of repair effected. Only important repairs should be noted.



His remarks should be brief. In the absence of remarks on the condition of boiler, the boiler will be considered to be in good condition.

#### **Engraving of Registry Number**

33. Paper slips of the proper size bearing the registry number allotted for a boiler will be supplied by the Chief Inspector. The slip should be pasted on the part of the boiler pointed out by the Inspector and the device traced through with a cutting tool. The engraving should then be completed by the removal to the prescribed depth of the metal between the traced lines.

#### **Arranging for inspections**

34. In arranging for inspections particular attention should be paid to the provisions of rule 15 (a). The notice required by Sections 7 (2) and 8 (4) shall be sent in Form B. If a hydraulic test is necessary in addition to the ordinary inspection ample notice must be given to the owner.

#### **Issue of certificates and provisional orders**

35. In cases in which the Inspector is empowered to issue a certificate under Section 8 without further reference, the certificate should ordinarily be issued within 48 hours of the completion of the inspection. Where he proposes to issue a provisional order, the Inspector must satisfy himself that the boiler is fit to be worked at the maximum pressure and for the period entered in the provisional order. The fact of issue of a provisional order must be reported immediately to the Chief Inspector.

#### **Provisional orders to be issued after hydraulic test**

36. Provisional orders should be issued in every case of registration after hydraulic test of boiler if the Inspector is satisfied.

The steam test may be witnessed at any convenient time within the period of the provisional order after which, if test was satisfactory, the certificate under Section 7 (6) is to be issued.

#### **Forms of provisional orders and certificates**

37. Provisional orders and certificates are prescribed in Forms V and VI respectively of the Regulations.

The period specified in any provisional order or certificate shall begin on the day following that on which the enabling thorough inspection or hydraulic test is made. Where a certificate supersedes a provisional order during the period of its currency, the period of the certificate shall be retrospective and shall begin from the same time as that of the provisional order.

#### **Duplicate certificates**

38. A duplicate of any certificate granted under Section 7 or Section 8 which is at the time in force shall be granted by the

Chief Inspector on the application of the owner of the boiler if the Chief Inspector is satisfied that the duplicate is required for a bona fide purpose and the fee prescribed under Rule 45 is paid.

**Fees for inspection**

39. Fees for inspection shall be calculated on the basis of boiler rating, as prescribed in Part II, Chapter I, Regulation 158 of the Regulations. The following fees are prescribed :—

**Registration fees**

Fees for registration and first inspection of boilers are prescribed in Regulation 159 of the Regulations.

**Inspection fees**

Fees for ordinary inspection of boilers shall be levied in accordance with the following scale :—

	Rs.
For boiler rating not exceeding 100	40
For boiler rating exceeding 100 but not exceeding 300	45
For boiler rating exceeding 300 but not exceeding 500	50
For boiler rating exceeding 500 but not exceeding 700	60
For boiler rating exceeding 700 but not exceeding 900	70
For boiler rating exceeding 900 but not exceeding 1,100	80
For boiler rating exceeding 1,100 but not exceeding 1,300	90
For boiler rating exceeding 1,300 but not exceeding 1,600	95
For boiler rating exceeding 1,600 but not exceeding 2,000	100
For boiler rating exceeding 2,000 but not exceeding 4,000	120
For boiler rating exceeding 4,000 but not exceeding 6,000	130
For boiler rating exceeding 6,000	140

Provided that when any owner is willing to accept a renewed certificate for less than twelve months in order to approximate the date of annual inspection to the date on which other boilers in the locality are inspected, a certificate for such period less than twelve months as may be necessary for such approximation of dates may be granted at a reduced fee to be calculated at one-twelfth of the ordinary fee for each full month, portion of a month not being reckoned.

**Fee to cover inspection and tests**

40. A fee paid for the inspection of a boiler shall cover thorough inspection, hydraulic test and steam test where such are necessary, subject to the provisions of Section 14 (2).

**Second fee in default**

41. A second fee will be leviable for reinspection in any case where the inspection of a boiler is begun, but, owing to the fault

or neglect of the owner or person in charge, is not completed within a period of six months from the date of commencement of inspection.

#### **Sanction of Chief Inspector to second fee**

42. No extra fee shall be levied except with the sanction of the Chief Inspector.

#### **Special fee for inspections out of season**

43. For any inspection of a boiler situate at a place beyond the limits of the cities of Bombay and Ahmedabad which is visited by an Inspector one or more times in a year for the purpose of inspecting boilers, if an owner or person in charge of a boiler fails to avail himself of the services of the Inspector during the usual periods for visiting the district and applies for inspection at a time which would necessitate a special journey by the Inspector then before the Inspector undertakes such a journey the owner or person in charge shall, in addition to the registration or inspection fee, pay such sum into the Government Treasury to cover the rail, conveyance and travelling allowance charges of the Inspector from the nearest headquarters as the Chief Inspector may determine.

#### **Fee for copy of Registration Book—**

44. For each copy .. Rs. 5

#### **Duplicate certificate fees**

45. Fees for duplicate certificates under Rule 38 :—  
For each .. Rs. 3

#### **Refund of fees**

46. Fees paid in excess and fees paid for an inspection which for any reason not due to any fault or omission of the owner or person in charge of the boiler has not been made, shall be refunded if a refund is applied for within one year from the date of payment.

### **VI.—ACCIDENTS**

#### **Investigation of accidents**

47. On the receipt of a report of an accident to a boiler or steam-pipe under Section 18, the Inspector should, with the least possible delay, proceed to the place to investigate the accident. If the report is received by the Chief Inspector, he should forward it at once to the Inspector within whose jurisdiction the accident has occurred for necessary action.

#### **Procedure during inquiry**

48. The Inspector at his inquiry shall make a careful examination of the damaged parts, and shall take such measure-

ments and make such sketches for the purpose of his report, as he may deem necessary. He shall inquire into the circumstances attending the accident and note the time of its occurrence, its nature and extent, the injury caused to persons and the damage done to property. The report should be in the style of the Reports of Preliminary Enquiries under the British Boiler Explosions Act, 1882 and 1890.

#### **Power to hold inquiry in writing**

49. Inspectors are authorized to take the written statements of witnesses and all persons immediately concerned with the accident. In order to comply with the provisions of Section 18 (2), the Inspector should present to the owner or person in charge of the boiler a series of written questions on all points that are material to the enquiry.

#### **Use of boiler after accident**

50. The Inspector must decide whether the use of the boiler can be permitted at the same or at a lower pressure without repairs or pending the completion of any repairs or alterations that he may order. In no case should he issue a provisional order or renewal certificate, until his orders have been carried out.

#### **Procedure in case of serious accidents**

51. The report should be sent without delay to the Chief Inspector; if he considers that the investigation has been sufficient, he will record the facts in his Register of accidents and enter a brief account of the accident in the Registration Books, a copy being made in the Memorandum of Inspection Book. If, however, the accident is of a serious nature and in all cases in which an explosion has occurred, the Chief Inspector should, after receipt of the Inspector's report, proceed to investigate the accident personally either alone or with the assistance of a member of the panel of assessors appointed under Rule 64 who may be appointed for this purpose by the Commissioner. Reports of such inquiries should be recorded as indicated above.

#### **Remuneration of Assessor**

52. The Assessor shall be remunerated at such rate as may be prescribed by the Provincial Government and be allowed the travelling expenses incurred by him in attending the inquiry.

#### **Reference in Annual Report**

53. A brief account of all accidents and their causes should be included in the Chief Inspector's Annual Report.

#### **Unreported accidents**

54. If in the course of an inspection or at any other time, the Inspector discovers damage which comes within the defini-

tion of an accident, but which has not been reported he should report the facts, at once to the Chief Inspector for action under Section 24 (d).

## VII.—APPEALS

### Filing of appeal

55. Every petition of appeal shall be made in writing either in English or in the vernacular.

### Presentation of appeal

56. An appeal may be presented either personally or by registered post to the Chief Inspector.

### Form of appeal

57. The petition of appeal shall be accompanied by the original order, notice or report appealed against, or by a certified copy thereof, or where no such order, notice or report has been made in writing, by a clear statement of the facts appealed against, the grounds of appeal and the referring Section of the Act.

### Fixing date for hearing

58. On receipt of an appeal, the Chief Inspector shall, if the appeal is to be heard by himself, at once fix a date for hearing the appeal; and if it is to be heard by the appellate authority, obtain a date for the hearing of the appeal from the President of the Court. It is important that there should be no delay in the decision of appeals, as the stoppage of a boiler is likely to put the owner thereof to great inconvenience. The decision should ordinarily be given within 10 days from the receipt of the petition of appeal.

### Procedure before hearing

59. When the date for hearing has been fixed, the Chief Inspector shall at once issue a notice to the appellant stating the date for hearing and informing him that if he wishes to be heard in support of the appeal or to produce evidence he must be present either in person or by authorized agent with his evidence on the date fixed. The notice shall be sent by registered post to such address as shall be entered in the petition of appeal.

### Presence of Inspector

60. In all appeals the Chief Inspector shall decide whether the presence of the Inspector is necessary, and shall issue orders accordingly.

**Attendance of witnesses**

61. The Appellate Court shall have power to secure the attendance of witnesses and to make local inquiries under the provisions of the Code of Civil Procedure.

**Ex. parte decisions**

62. If the appellant is not present on the date fixed, the appeal may be decided in his absence.

**President of Appellate Court**

63. The Provincial Government shall appoint an officer to be President of the Appellate Court for such period as it thinks fit. The President shall be an officer who has exercised the powers of a judge or magistrate or a person who is a barrister, advocate, pleader or a graduate in law of any University in the British Empire and has exercised or is exercising the powers of a Court within the meaning of Section 3 of the Indian Evidence Act, 1872.

**Panel of Assessors**

64. The Provincial Government shall constitute a panel of assessors for the purpose of assisting in the hearing of appeal. Assessors must be fully qualified mechanical engineers.

**Constitution of Appellate Court**

65. Whenever the date for an appeal before the Appellate Court has been fixed, the Chief Inspector shall, under the orders of the President of the Court, arrange for the attendance of 3 members of the panel constituted under the preceding rule to act as assessors.

**Cost in appeals**

66. In appeals before the Appellate Court, the President is authorized to fix the costs and recover them from the appellant in any case in which the appeal is dismissed; in all cases of appeal in which a local inspection is required by the appellant he shall deposit in advance the full costs of such inspection.

**Fees required for certificates granted on appeal**

67. Any order on appeal authorizing the registering of a boiler or the grant or renewal of a certificate shall be deemed to be subject to the payment of such fees as are prescribed by rules or regulations framed under the Act.

**VIII.— INQUIRIES INTO CONDUCT OF PERSONS IN CHARGE OF BOILERS**

**Commissioner to hold inquiry**

68. If the Commissioner has reason to believe, from any cause whatever, that an inquiry should be made to ascertain whether a person in charge of a boiler is incompetent or ad-

dicted to drugs or drunkenness or has been guilty of any serious misconduct or negligence it shall be his duty to inquire into such allegation.

He may either make such inquiry personally or cause it to be made by a deputy.

#### **Appointment of Assessor**

69. The Commissioner shall appoint as assessor in such inquiry either one of the panel of assessors for hearing appeals under Section 20 or any fully qualified mechanical engineer who appears to the Commissioner to be a fit and proper person to be an assessor.

#### **Person concerned to be present at inquiry**

70. The inquiry shall be held in the presence of the person whose conduct forms the subject of the inquiry who shall be allowed to make any statement he may wish to make and to produce evidence in his defence. He shall on demand forthwith give up his certificate to the Commissioner and abide the result of the inquiry.

#### **Record of inquiry**

71. The Commissioner shall forward to the Provincial Government the record of the inquiry together with the opinions of the officer conducting the inquiry and of the assessor and shall make such recommendation with regard to the suspension or cancellation of the person's certificate as he may think fit.

#### **Remuneration of Assessor**

72. The assessor shall be remunerated at such rate as may be prescribed by the Provincial Government and be allowed the travelling expenses incurred by him in attending the court.

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## **PART II.**

### **BOILER ATTENDANTS' RULES**

#### **IX.—PERSONS IN CHARGE OF BOILERS**

##### **No boiler to be used without competent person in charge**

73. Subject to the proviso below no boiler as defined in Section 2 (b) that is liable to inspection under the Act shall be used (see Rule 78) within the Province of Bombay unless there is a fit and proper person in immediate attendance and charge who is employed by the owners for the purpose of attending to the working of the boiler :

Provided that the restrictions contained in this Rule shall not apply to a boiler of such capacity and used for such purpose

as may be specified by the Provincial Government by notification in the *Bombay Government Gazette*.

**Competent person must possess certificate ; extent of qualification**

74. No person who does not possess a certificate of competency or a certificate of service granted under these Rules or under the Bombay Boiler Inspection Act, 1917, shall be deemed a fit and proper person to be in attendance and charge of a boiler and no holder of any such certificate shall be deemed a fit and proper person to be in attendance and charge of any boiler except to the extent of his qualification indicated by his said certificate.

**Holder to produce certificate when called for by authorised person**

75. The holder of a certificate shall at any reasonable time during his charge of a boiler produce his certificate when called upon to do so by any of the persons empowered under Section 15 to call for the production of the certificate or provisional order of the boiler.

**Owner to furnish Chief Inspector with particulars of certificate**

76. Any owner of a boiler who engages a person to be in charge of it shall at once furnish to the Chief Inspector particulars of the person with the grade, number, date and place of issue of his certificate.

**Limits of daily period of attendance, reliefs allowed and sphere of action**

77. The hours of a boiler attendant are regulated by the Factories Act, 1934 (XXV of 1934), and the rules framed and exemptions granted thereunder.

An attendant in charge of boilers for which a certificate of the first class is required may be relieved of charge in any one day for not more than two periods which combined are not to exceed two hours in duration, by a person holding a certificate of the second class.

In special cases, the holder of a first class certificate may, with the consent in writing of the Chief Inspector or District Inspector, be relieved by a person holding a certificate of the second class for a period which may extend to seven consecutive days.

A person in charge of a boiler will be held to be in immediate attendance and charge of the same when he is within one hundred and fifty feet of such boiler.



**When boiler is deemed to be in use**

73. A boiler will be deemed to be in use when there is active fire in the furnace, firebox or fireplace for the purpose of heating the water in the boiler. When the fire is removed, extinguished, or effectively banked so that no appreciable heat passes from the fire to the water and all steam and water connections are closed, a boiler will be deemed to be not in use.

**X.—CERTIFICATES****Capabilities of holders of certificates**

79. Certificates of competency granted under these rules shall be of two classes. A certificate of the first class shall qualify the holder thereof to be in charge of a set of connected boilers of any kind or capacity or of so many separate or connected boilers belonging to the same owner so situated that no one of them is distant more than 150 feet from any other of them, and a certificate of the second class shall qualify the holder thereof to be in charge of any single separate boiler.

**Equivalence of certificates**

80. Holders of certificates of proficiency granted under Part III of these Rules and holders of certificates of competency or of service as first and second class engineers granted under the Bombay Boiler Inspection Act will, for the purpose of Rule 74, be deemed to hold certificates of competency of the first class under Part II of these Rules and holders of certificates of competency or of service as third class engineers granted under the Bombay Boiler Inspection Act will be deemed to hold certificates of competency of the second class under Part II of these rules.

**Exchange certificates**

81. Any person in possession of a certificate of competency granted by any competent authority in British India or in the United Kingdom, or in any British Dominion or Colony, shall be entitled to receive a certificate of competency as aforesaid without undergoing examination.

The certificate granted under this rule shall be of such class as the board of examiners or a majority of the members of the said board on consideration of the nature of the certificate in the person's possession shall determine.

**Service certificates**

82. The board may, in the case of any person who satisfies it that he has served for a period of not less than ten years as a boiler attendant or head fireman in working charge of a

set of boilers or that he has served for a period of not less than six years in working charge of a separate boiler prior to the date on which these rules come into force and that he is possessed of competent practical skill for such work, grant to him a certificate of service to the effect that he is qualified to the like extent as the holder of a certificate of competency of the first class or of the second class respectively.

Such certificate of service shall be signed as in the case of a certificate of competency.

A certificate of service so granted shall have the same effect as a certificate of competency granted under these rules.

### **XI.—BOARD OF EXAMINERS**

#### **Examinations to be held by board of examiners**

83. Examinations shall be held periodically by a board of examiners at such places and on such dates as the Provincial Government shall determine, for the purpose of determining the fitness of persons who desire to qualify as attendants on boilers.

#### **Nomination of Members**

84. The Provincial Government shall from time to time nominate competent engineers having knowledge of prime movers and boilers to be members of the board of examiners for the said examinations.

#### **Passed applicants to receive certificate**

85. Every applicant for examination who is declared by the said board to have passed an examination shall receive a certificate of competency in accordance with the board's decision as to his qualifications, which shall be signed by the members of the board.

#### **Board empowered to refuse issue of certificate**

86. The board is empowered to refuse the issue of a certificate of competency or service to any candidate who in the opinion of the majority of the members appears too old or physically unfit through deformity, constitutional weakness, bad eyesight, deafness or loss of a limb to perform properly the duties of a boiler attendant.

Any such candidate may appeal to the Commissioner against the decision of the board and the Commissioner may send the candidate before a Medical Board or Civil Surgeon for medical examination in which case the board shall either issue or refuse to issue a certificate in accordance with medical opinion.

**President of the Board**

87. The Commissioner of Labour, Bombay, shall ordinarily be ex-officio President of the board of examiners.

He may delegate his powers as President in Bombay or any other place at which examinations are held and his deputy <sup>1</sup>[shall see that the examinations are conducted as prescribed in these rules.]

**Meetings of Members**

88. Members of the board shall meet at the request of the Commissioner or his deputy for the purpose of conducting examinations <sup>2</sup>[in such place and at such time as may be specified in the notice of meeting.]

**Minimum number of Members**

89. Each examination shall be conducted by not less than two members of the Board .

**Board's endorsement on application form**

90. The board shall endorse on the printed application form of each candidate the result of his examination for a certificate of competency or its decision in regard to applications for exchange and service certificates. The endorsed application shall be returned to the President at the close of the examinations.

**Fees to Members**

91. Each member of the board shall be entitled to a fee of sixty rupees for each meeting of the board lasting more than three hours or a fee of thirty rupees for each meeting lasting less than three hours at which any duty prescribed in these rules in relation to the certificates of competency as boiler attendants has been performed and which he had attended from the beginning to the end :

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**XII.—EXAMINATIONS****Kinds of examinations**

92. Examinations shall be of two kinds, one for each class of certificate of competency which the board is empowered to grant, namely, certificates of competency as first class boiler attendant and as second class boiler attendant.

**Times and places of examination**

93. Examinations shall be held at Bombay, and at such other places as the Provincial Government may, from time to time, determine.

<sup>1</sup> Corrected vide G.N., P. & S. D. No. 7715 of 22/9/42

<sup>2</sup> Added, *Ibid.*

<sup>3</sup> Omitted, *Ibid.*

Examinations at Bombay shall be held on the second Monday in the months of February, June and October.

**Postponement of examination**

94. When a gazetted holiday falls on the date fixed for the examination, or when for any unforeseen reason an examination cannot be held on the date fixed for it, the Commissioner may fix some other day for holding the examination, which shall be duly notified, to the candidates for examination.

**Clerical assistance at examinations**

95. Every examination shall be attended by one or more clerks from the Commissioner's office who shall do such clerical work as may be necessary and shall act as interpreter when required by the board.

**XIII.—APPLICATIONS FOR EXAMINATION**

**Form of application**

96. Every applicant for examination must make application in Form I prescribed in the Appendix. He shall fill in those parts of the form that are to be filled in by a candidate and either sign or mark his thumb impression, on the form in the presence of the Commissioner or his deputy or a Magistrate or Justice of the Peace who shall append his signature in token of attestation.

**Lodging application**

97. The applications must be lodged at the office of the Commissioner not later than fifteen days before the date fixed for the examination and be accompanied by—

- (a) originals and copies of all testimonials;
- (b) a receipt from a Government Treasury or the Reserve Bank of India situated in the Province of Bombay for the amount of the fee prescribed hereunder for the examination at which the applicant wishes to appear;
- (c) any certificate granted to the applicant under these Rules or the Bombay Boiler Inspection Act or by an authority deemed competent under these Rules.

**Fees for examination**

98. Candidates for examination for certificates of competency shall pay fees as follows—

Examination for 1st class certificate	Rs.
Examination for 2nd class certificate	15
	10

**Remission of fee**

99. Candidates once admitted to examination shall not be entitled to any remission of fees if they fail to pass or to proceed with the examination. Where a candidate is unavoidably absent from the examination on the date fixed the Commissioner may allow him to appear without payment of a second fee at any one of the subsequent examinations held within one year of such first examination.

**Fees of candidates found ineligible**

100. Candidates found ineligible for any examination may be allowed to appear without payment of a second fee at any one of the subsequent examinations held within one year from the date of payment of fee or they may apply for a refund of the fee within the same period.

**XIV.—TESTIMONIALS****Candidates must produce satisfactory testimonials**

101. No applicant shall be admitted to examination who cannot produce satisfactory testimonials certifying to his experience, ability, sobriety and general good conduct for the whole period of his qualifying service. Breaks in the qualifying service period must be accounted for satisfactorily. Should a candidate allow more than one year to elapse between the end of the period covered by his last testimonial and the date of his application for examination he will not be allowed to sit for examination until he produces a testimonial for a further period of service of six months.

**Essential statements**

102. Testimonials must clearly state the capacity in which the candidate was employed, whether as boiler attendant, head fireman, donkeyman or fireman and show the dates between which the candidate was so employed.

**Signature and countersignature**

103. Testimonials must be signed by the engineer under whom the candidate was employed or, if not employed under an engineer, by the responsible person under whom he worked and must be countersigned by the mill manager or by owner, agent or secretary of the mill or factory or workshop as the case may be.

**Railway service**

104. Testimonials for service on railway locomotives must be signed by the responsible officer under whom the candidate

served and be countersigned by the head of the department concerned.

**Sea Service**

105. Testimonials for service on steamships may be signed by the chief engineer and countersigned by the master of the vessel or may be in the form of a seaman's discharge issued by a Shipping Master.

**Candidates for certificates of service**

106. Testimonials of candidates for certificates for service under these Rules must comply with the requirements specified herein for testimonials of candidates for examination.

**Doubtful testimonials to be authorised**

107. In any case of doubt the board may require a candidate's testimonials to be authenticated by the testimony of some credible person having personal knowledge of the facts required to be established.

**False testimonials**

108. Where the Commissioner is satisfied that any testimonial tendered by a candidate is false he may by written order debar such candidate from being admitted to any subsequent examination held under these rules and if upon tender of such testimonial a candidate has already been admitted to examination he shall be deemed to have failed in such examination.

**Filing of copies and return of originals**

109. Applications and copies of testimonials submitted by candidates shall be filed in the office of the Commissioner. The original testimonials shall be returned to the candidates at the close of the examination. Copies of testimonials shall be obtainable on payment of copying charges on application to the Commissioner.

**XV.—AGE AND TRAINING**

**Age and training of second class candidates**

110. A candidate for a certificate of competency as a boiler attendant of the second class must not be under twenty years of age and shall not be admitted to examination unless he proves to the satisfaction of the board that he—

- (a) has served for not less than three years as a fireman or attendant on a steam boiler or as a driver on a combined steam engine and boiler; or
- (b) has fulfilled the requirements of any of the prescribed courses of training which would qualify him for admis-

sion to the examination for third class engineers under the Bombay Boiler Examination Rules, 1903, if at the time of introduction of these rules he had begun and was engaged in such training.

#### **Age and training of first class candidates**

111. A candidate for a certificate of competency as a boiler attendant of the first class must not be under twenty-five years of age and shall not be admitted to examination unless he possesses or is able to claim a certificate of competency or of service as third class engineer granted under the Bombay Boiler Inspection Act, or proves to the satisfaction of the board that he has received such training as is required under the preceding Rule in the case of a candidate for a certificate of the second class and possesses or is able to claim a certificate of competency of the second class or a certificate of service of the second class and in addition thereto—

- (a) has served for not less than two years as an engineer with a third class certificate of competency or of service ; or
- (b) has served for not less than three years as a boiler attendant with a second class certificate of competency or of service in sole working charge of a boiler of Lancashire, Cornish, Watertube or Marine type of not less than 500 square feet heating surface ; or
- (c) has served for not less than three years as fireman serang on a battery of two or more boilers of Lancashire, Cornish, Watertube or Marine type each of not less than 500 square feet heating surface ; or
- (d) has served for not less than three years as a fireman serang or tindal on a steamship with one or more boilers each of not less than 500 square feet heating surface.

#### **Service not in strict conformity with Rules**

112. In any case in which the service of a candidate does not strictly comply with any one of the clauses specified under Rules 110 and 111 but is not less than the total period required under either Rule the board of examiners may accept such service on its merits as the board may deem fit.

### **XVI.—EXAMINATION SUBJECTS**

#### **Second class**

113. To be entitled to a second class certificate of competency a candidate must satisfy the examiner that—

- (a) he clearly understands—

- (i) the working and management of a steam boiler;
  - (ii) the use and purpose of the various valves, cocks mountings and fittings;
  - (iii) the precautions to be taken and procedure to be observed before starting fires and when raising steam;
  - (iv) the use of a feed pump and injector;
  - (v) the use and purpose of a salinometer and thermometer;
  - (vi) the need for periodical cleaning and pure water-supply and for the prevention of scale and other deposit on the heating surfaces;
  - (vii) the need for periodical inspection of boilers and the manner in which they should be prepared for thorough inspection, hydraulic test and steam test;
  - (viii) the precautions to be taken before entering or allowing another person to enter a boiler that is connected to another boiler under steam;
  - (ix) the use of the best means of firing for the prevention of smoke;
  - (x) the danger of water lodging in steam pipes and the precautions to be observed in draining;
  - (xi) the procedure to be followed in the event of shortness of water, bulging or fracture of furnaces or flat plates or bursting of tubes or of any accident to a boiler or steam pipe, and that
- (5) he is able—
- (i) to stoke a boiler, including cleaning and banking fires, in a workmanlike manner;
  - (ii) to show how avoidable smoke may be prevented;
  - (iii) to blow through and test correctness of water gauge glasses and test cocks;
  - (iv) to replace a gauge glass and show how a false water level might be shown;
  - (v) to ease a safety valve and use a blow down cock or valve;
  - (vi) to adjust a high steam and low water safety valve and renew a fusible plug;
  - (vii) to joint a manhole or handhole door or any cover or flange in the steam or feed pipes;
  - (viii) to pack pump or valve chest glands;
  - (ix) to grind and adjust cocks and valves;
  - (x) to take a donkey pump or injector to pieces and replace in working order.



**First class**

114. To be entitled to a first class certificate of competency a candidate must satisfy the examiner, in addition to the subjects prescribed for second class candidates, that he has at least a rudimentary knowledge of—

- (i) the principal elementary facts relating to combustion, heat and steam ; and that he is able to some extent, to explain ;
- (ii) the principal causes and effects of corrosion and incrustation and the usual remedies employed ;
- (iii) the object of the use of boiler fluids ;
- (iv) the principles on which feed pumps and injectors work ;
- (v) the principles on which appliances for the prevention of smoke work ;
- (vi) the purpose of superheaters, economisers, feed heaters, feed filters, forced and induced draught appliances and mechanical stokers.

**XVII.—MODE OF EXAMINATION****Nature of examination**

115. Every examination shall be of such a nature as to test the practical knowledge of the candidate and to ascertain his competency to manage a boiler or boilers.

**Examination in writing optional**

116. The examination shall be conducted orally but any candidate may, if he desires, write his answers to such written questions as may be given to him by the examiner.

**Examination where held**

117. The examination shall be held either in a factory, mill or workshop in which boilers are used or partly in such factory, mill or workshop and partly in the examination room.

**Practical test essential**

118. Every candidate must demonstrate on an actual boiler or fitting or model his ability to perform any or all of the practical tests under Rule 113 (b).

**Hours of examination**

119. Examinations shall be conducted in the examination room between the hours of 11 a.m. and 5 p.m. unless otherwise notified by the Commissioner and elsewhere at such time as the examiner may fix.

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XVIII.—GRANT OF CERTIFICATES

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**Forms of certificates**

120. Certificates of competency, exchange and service shall be in Forms II, III and IV in the appendix to these Rules.

**Surrender of lower grade certificate**

121. No certificate of the first class shall be granted to the holder of a second class certificate after examination under these Rules unless and until he has surrendered to the Commissioner the certificate of the lower grade.

**Exchange certificate**

122. An exchange certificate of competency shall be granted only in respect of and on production of a certificate issued after examination by a competent authority (Rule 81). The fact of the fresh certificate having been granted shall be endorsed on the original qualifying certificate before its return to the owner.

**Identification requirements**

123. Every certificate granted under these Rules whether of competency, exchange or service shall bear a bust photograph of the holder, for which the candidate must sit after passing the examination or obtaining the board's acceptance as the case may be, and his signature or thumb impression and such other particulars as may be required for the purpose of identification. The Commissioner's office shall arrange for the attendance of persons to be photographed. No extra charge shall be made to the candidates for the photographs.

**Duplicate of certificates recorded**

124. Duplicates of all certificates granted to boiler attendants under these Rules shall be recorded in the office of the Commissioner.

**Grant of duplicate certificates**

125. Whenever any boiler attendant proves to the satisfaction of the Commissioner that he has, without fault on his part, lost or been deprived of any certificate granted him under these Rules, or under the Bombay Boiler Inspection Act, a duplicate of the certificate to which by the record so kept as aforesaid he appears to be entitled shall be furnished to him, which shall have for all purposes the same validity as the original certificate.

**Applications for duplicate certificates**

126. Applications for duplicates of certificates under the preceding Rule shall be lodged with the Commissioner, together with a declaration describing the lost certificate.

**Fee for duplicate certificate**

127. Applicants for duplicates of certificates of any class or kind granted under these Rules or under the Bombay Boiler Inspection Act shall pay a fee of Rs. 5 for each certificate.

**Invalidity of original certificate**

128. On the issue of a duplicate certificate the original certificate shall be deemed invalid and if found should be returned to the office of issue for cancellation.

**XIX.—EXCHANGE CERTIFICATES****Applications for exchange certificates**

129. Applications under Rule 81 for certificates of competency corresponding to foreign certificates in the possession of the applicants shall be in Form I of the Appendix. Each applicant shall duly fill in the form which, together with the original foreign certificate in his possession and its copy and a receipt from a Government Treasury or the Reserve Bank of India in the Province of Bombay for the amount of the fee prescribed below, shall be lodged with the Commissioner at least ten days before any meeting of the board of examiners :

Provided that, where the Commissioner is satisfied that delay in the issue of a certificate would cause hardship and is not due to the applicant's negligence, the Commissioner may receive such application at any other time. In such case the Commissioner shall refer the application to at least four members of the board of examiners in Bombay or to at least two members elsewhere and, on receipt of their signature to the certificate shall deliver the certificate to the applicant after the usual process of identification has been carried out.

**Fee for exchange certificates**

130. Applicants for certificates of competency in exchange shall pay a fee of Rs. 5 for each certificate irrespective of class.

**XX.—CERTIFICATES OF SERVICE****Applications for certificates of service**

131. Applications under Rule 82 for certificates of service shall be in Form I of the Appendix. Each applicant shall duly fill in the form which, together with his testimonials and their copies and a receipt from a Government Treasury or the Reserve Bank of India in the Province of Bombay for the amount of the fee prescribed below, shall be lodged with the Commissioner at least ten days before any meeting of the board of examiners.

The proviso to Rule 129 shall also be applicable to this Rule.

**Candidates' practical skill may be tested**

132. If on scrutiny of the testimonials of an applicant for a certificate of service under Rule 82, the board of examiners has doubts about the competence of the applicant for the charge and management of a boiler, or if it is necessary to determine the class of certificate for which he is qualified, the board of examiners may subject the applicant to such practical examination as it deems fit.

**Fee for certificate of service**

133. Applicants for certificates of service shall pay a fee of Rs. 5 for each certificate irrespective of class :

Provided that any fee so paid by an applicant who is found to be ineligible for the grant of a certificate by reason of the insufficiency of his testimonials of previous service, may, if applied for within one year of the date of payment, be returned to him in full.

## XXI.—PENALTIES

### Penalties

134. The owner of any boiler liable to inspection under the Act who shall—

- (a) work the same or permit the same to be worked at any time, except whilst he has in his employ in immediate attendance and charge for the purpose of attending to the working of the boiler a fit and proper person to be in attendance and charge thereof;
- (b) work the same or permit or cause it to be worked in contravention of Section IX of these Rules, shall be punishable with fine which may extend to one hundred rupees for each offence and in the case of a continuing offence with an additional fine which may extend to one hundred rupees for each day after the first day in regard to which he is convicted of having persisted in the offence.

### Cognisance of offences

135. All offences against these Rules shall be cognisable in the city of Bombay by a Presidency Magistrate, and elsewhere by a Magistrate of the first class.

### Limitation and previous sanction for prosecution

136. No charge shall be brought against any person of any offence punishable under these Rules except within six months

from the date of commission of the offence and no prosecution shall be instituted without the previous sanction of the Chief Inspector.

### PART III

#### XXII.—ENGINEERS' EXAMINATION RULES

##### Examinations where and when held

137. Examinations for persons desirous of obtaining certificates of proficiency as engineers to be in charge of steam engines and boilers shall be held at such times and in such places as may be notified in the *Bombay Government Gazette* :

Provided that unless the Commissioner of Labour, Bombay, shall by notification in the *Bombay Government Gazette* make an announcement to the contrary, they shall be held at Bombay by the Board of Examiners appointed under these rules on the second Monday in February, June and October at the same times and places as those prescribed in Part II for boiler attendants :

Provided also that such examinations shall be held at least once in any calendar year in Bombay if any candidate appearing to the Commissioner to be eligible applies for admission to them.

##### Fees to Members

137-A.<sup>1</sup> Each member of the Board shall be entitled to a fee of seventy-five rupees for each meeting of the Board lasting more than three hours or a fee of thirty rupees for each meeting lasting less than three hours at which any duty prescribed in these rules in relation to certificates of proficiency as engineers has been performed and which he had attended from the beginning to the end.

##### Application procedure

138. The same general procedure with regard to testimonials, applications and kindred matters shall be observed for these examinations.

##### Kinds of examination

139. Examinations for engineers shall be of two kinds, one for first class certificates of proficiency and one for second class certificates of proficiency for which fees of Rs. 30 and Rs. 20, respectively, are prescribed.

##### Testimonials

140. Candidates must produce satisfactory testimonials which must clearly state the kind of work on, and the capacity in, which the candidate was employed, whether as apprentice engineer, engine fitter, assistant engineer or engineer and show

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<sup>1</sup> Added vide G.N., P. & S. D., No. 7715 of 22/9/42.

the dates between which the candidate was so employed. Only service as an engineer, or engineer fitter on steam machinery or as a mechanical engineering student will be considered by the board for admission to examinations for certificates of proficiency.

Testimonials must be signed as in the case of applicants for certificates of competency as boiler attendants, that is, they must be signed by the responsible person under whom the candidate worked and be countersigned by the owner, agent or manager of the workshop or factory or person of corresponding status elsewhere.

Candidates who have undergone a course of training at an engineering college or technical institute must produce either the diploma of the institution or a certificate from the Principal or Superintendent of the institution for the time served.

### XXIII.—AGE AND TRAINING

#### Age and training of second class candidates

141. A candidate for a certificate of proficiency of the second class must not be under 21 years of age and shall not be admitted to examination unless he proves to the satisfaction of the board that he has served or undergone, for not less than five years, the service or training specified in clauses (a), (b) and (c) below, of which not less than three years must have been in accordance with either clause (a) or clause (b) and not less than two years in accordance with clause (c)—

- (a) as a full-time apprentice engineer or engine fitter in a suitable workshop on the making or repairing of steam engines or accessories ; or
- (b) a full course of training in an engineering college or technical institute recognized by the Provincial Government as suitable for training of mechanical engineers ; and
- (c) as engineer or assistant engineer in a mill or factory or steamship with engines and boilers, the boilers being not less than two in number and each of not less than 500 sq. ft. heating surface.

#### Unsuitable workshops, minimum equipment

142. No seasonal factory, cotton ginning factory or cotton pressing factory shall be recognised as a suitable workshop for the training of apprentice engineers or engine fitters nor shall any other workshop be recognised that is not equipped with at least two turning lathes, one planing shapes or slotting machine,

one drilling machine, one smiths hearth and tools and all the necessary fittings and machine tools.

### **Doubtful suitability**

143. In any case of doubt of the suitability of a workshop the board may require a candidate to provide proof that the workshop in which he served was sufficiently equipped with machines and tools and that the work carried on was in making or repairing steam engines or accessories.

### **Definition of apprentice service**

144. For the purpose of these Rules service as an apprentice engineer means the regular performance of such duties in a workshop where steam engines or accessories are made or repaired as will enable a person to obtain under efficient supervision a practical knowledge of the various operations in the making or repairing of steam engines and to acquire practical experience in the use of tools and in the making and fitting together of parts of machinery.

Although some practical knowledge of moulding, blacksmithing and drawing office work is highly desirable not more than six months will be allowed for time spent in any one of these branches in making up the total apprentice service.

### **Definition of engine fitters' service**

145. Service as engine fitter means journeyman's service in making or repairing steam engines or accessories. Such service may include service as turner, if employed on the same kind of work, but not more than one-half of the qualifying period will be allowed for time spent as turner in making up the total journeyman's service.

### **Short periods of service**

146. No period of less than six months spent in any workshop or factory as apprentice engineer or journeyman fitter shall count as time qualifying for admission to examination.

### **Breaks in student's course**

147. A course of training begun at an approved engineering college or technical institute may be continued and completed at any other approved college or institution but only complete and continuous annual courses will be allowed for in making up the full course.

In such cases candidates must produce a certificate from each Principal or Superintendent of the institution concerned for the time spent under him.

**Service as engineer**

148. Service as an engineer or assistant engineer means service in those capacities only which afford opportunities of obtaining practical experience as an engineer on steam engines, boilers and steam plant generally in their working and maintenance. It does not include service as a fireman, boiler attendant, engine attendant or engine driver.

**Age and training of first class candidates**

149. Subject to the proviso below, a candidate for a certificate of proficiency of the first class must not be under 23 years of age and shall not be admitted to examination unless he proves to the satisfaction of the board that he has received such training as is required by Rule 141 in the case of a candidate for a certificate of the second class and possesses or is able to claim a certificate of the second class and in addition thereto has served after having obtained such certificate for not less than one year as engineer in charge of steam plant, the boilers being not less than two in number and each of not less than 500 square feet heating surface.

**Proviso for direct admission**

Provided that any applicant who has fulfilled the training requirements prescribed in Rule 141 for candidates for a certificate of the second class and in addition has served for not less than three years in the position prescribed in this Rule, may be admitted direct to examination for a certificate of the first class although he has not obtained a certificate of the lower grade.

**XXIV.—EXAMINATION SUBJECTS**

**Subjects for second class**

150. To satisfy the board in examination and be entitled to a certificate of proficiency of the second class a candidate must—

- (a) write a legible hand, understand the use of arithmetic to the extent of addition, subtraction, multiplication, division and proportion and be able to apply the same to the calculation of elementary stresses, pressures, areas, volumes, quantities and weights ;
- (b) be able to give a description of the principal types of steam boilers used on land and to state the purposes and reasons for which different types of boilers are employed ;
- (c) be able to give a description of and explain the functions of boiler mountings, feed pumps, feed injectors, feed filters, feed heaters, economisers, superheaters and forced draught and induced draught appliances ;



- (d) know the cause and effects of, and the usual remedies for incrustation and corrosion in boilers ;
- (e) be able from data and formulae supplied to calculate the percentage of strength of a single or double riveted seam of a boiler-shell and the safe working pressure to be allowed for shells, furnaces, fireboxes, flat plates and stays in accordance with the Indian Boiler Regulations. He must also be able to calculate the load on a dead weight safety valve the weight and position of ball on a lever-and-weight safety valve and the total heating surface of a boiler from given data ;
- (f) possess a creditable elementary knowledge of the prominent facts relating to combustion, heat and steam and be able to calculate consumption of coal and water and to estimate the quantity of steam that may be generated from a given grate area or heating surface in any of the ordinary types of land boilers ;
- (g) be able to give a description of the principal types of steam engines in general use on land and pass a creditable examination in their constructive details and in the function of each part including governor and flywheel ;
- (h) be able to explain the whole cycle of operations of the steam from the time it leaves the boiler until it returns in the form of feed water, through an ordinary compound slide valve engine and condenser ;
- (i) be able to calculate direct tension and compression stresses in engine bolts and rods, the force exerted by pistons, pump buckets and plungers, the duty of pumps and the cubic capacities or weight of contents of tanks, bunkers and coal bins or stacks ;
- (j) be able to explain the method of testing and altering the setting of an ordinary slide valve and of testing the alignment of shafting, driving wheels and flywheels and adjusting them ;
- (k) be able to state how a temporary or permanent repair could be effected in case of derangement or breakdown of a part of an engine or its accessories ;
- (l) be able to make an intelligible sketch and to read a working drawing of a steam engine, boiler or boiler mounting ;
- (m) have a knowledge of some of the appliances used for the prevention or abatement of smoke and the principles on which they are based ; and
- (n) if required by the examiner, demonstrate by a practical test in the examination room or in a workshop his ability as a workman in the use of tools and appliances.

**Subjects for first class**

151. To satisfy the board in examination and be entitled to a certificate of proficiency of the first class a candidate must, if not in possession of or able to claim a certificate of the second class, be able to satisfy the requirements prescribed under the preceding Rule for second class candidates and all candidates must—

- (a) write a legible hand, understand the use of arithmetic and algebra to the extent of addition, subtraction, multiplication, division, proportion, vulgar and decimal fractions, extraction of square and cube roots and simple equations and be able to apply the same to the calculation of stresses, pressures, areas, volumes, quantities and weights;
- (b) be able to give a description of the principal types of steam boilers used on land and to state the purposes and reasons for which different types of boilers are employed;
- (c) be able, from data and formulae supplied, to calculate the safe working pressure for any part of a boiler in accordance with Indian Boiler Regulations;
- (d) understand how to correct defects in boilers due to accident, decay and other causes and know the means of repairing such defects;
- (e) know the causes and effects of and the usual remedies for incrustation and corrosion in boilers;
- (f) be able to give a description of and explain the functions of boiler mountings, feed pumps, feed injectors, feed filters, feed heaters, economisers, superheaters and forced draught and induced draught appliances;
- (g) possess a creditable knowledge of the prominent facts relating to combustion, heat and steam;
- (h) have a knowledge of the principal appliances in use for the prevention of smoke and the principles on which they are based and be able to give a description of the principal mechanical stokers and oil fuel systems in use;
- (i) be able to estimate the evaporative capacity of a boiler from its fire grate area and total heating surface and the horse-power that would be developed in the principal types of engines when supplied with steam at a certain pressure from the boiler;
- (j) pass a creditable examination in the various constructions of steam engines in general use and in the details and use of each part;

- (k) be able to explain the method of testing and altering the setting of engine valves and of testing the alignment of shafts and adjusting them ;
- (l) be able to calculate the direct stress, the torsional stress and the bending stress in round bars and shafts and the bending stress in rectangular bars and levers with given loads ;
- (m) be able to explain jet and surface condensation, superheating and the working of steam expansively ;
- (n) be able to take off and calculate indicator diagrams, recognise faults in them and suggest the appropriate remedies ;
- (o) be able to make an intelligible hand sketch or a working drawing of one or more of the principal parts of a steam engine or boiler or boiler mounting and to mark in without a copy all the necessary dimensions in figures so that the sketch or drawing could be worked from ;
- (p) be able to read a working sketch or drawing of any part of a steam engine, boiler or boiler mounting ;
- (q) be able to explain the general construction of auxiliary machinery, viz., pumps, electric light engines, dynamos and plant, gas and oil engines and gas producers and the elementary principles on which they act ;
- (r) be able to state the general methods employed in laying foundations for engines, machinery, boilers and chimneys and the suitable area and height of chimneys to promote efficient combustion and prevention of smoke ; and
- (s) be able to state how a temporary or permanent repair could be effected in case of derangement of a part of the machinery or boiler.

#### XXV.—MODE OF EXAMINATIONS

##### Nature of examination

152. Examinations for certificate of proficiency as engineers to be in charge of steam engines and boilers shall be of such a nature as to test the practical and technical knowledge of the candidates and to ascertain their fitness for the charge of steam plant and machinery.

##### Order of subjects for second class examination

153. Examinations for second class certificates shall be conducted in the following order and stages :—

- (a) to write answers within a prescribed time to ten questions in arithmetic set with reference to clauses (a), (e), (f) and (i) of Rule 150 ;

- (b) to write answers to ten questions set by the examiners appertaining to the subjects specified in clauses (b), (c), (d), (f), (g), (h), (j), (k), (l), (m) of Rule 150, eight of which shall be compulsory, and
- (c) to answer orally questions appertaining to clauses (b), (c), (d), (f), (g), (h), (j), (k), (l), (m) and (n) of Rule 150, to make the sketch or read the working drawing prescribed in clause (l) of Rule 150 and, if required by the examiner, to undergo the practical test specified in clause (n) of Rule 150.

#### Assessment of work

154. The value of the work done in all three sections prescribed under clauses (a), (b) and (c) of Rule 153, namely, mathematics, written questions and oral questions (including practical test) will be assessed in accordance with the following scale :—

Marks 0 to 55—weak, denoted by W.

Marks 56 to 64—consider, denoted by C.

Marks 65 to 74—good, denoted by G.

Marks 75 to 100—superior, denoted by S.

In order to pass, a candidate's work should be "good" or "superior" in the oral examination. A "consider" in mathematics or "written questions" sections may be counter-balanced by a "superior" in the oral section. Two "considers" or one "weak" will entail failure.

#### Order of subjects for first class examination

155. Examinations for first class certificates shall be conducted in the following order and stages :—

- (a) to write answers within a prescribed time to ten questions in mathematics set with reference to clauses (a), (c), (g), (i), (l) and (n) of Rule 151 ;
- (b) to write answers to questions set by the examiners appertaining to ten of the subjects specified in clauses (b), (d), (e), (f), (g), (h), (j), (k), (m), (n), (q), (r) and (s) of Rule 151, eight of which will be compulsory ;
- (c) to make within a prescribed time a hand sketch or working drawing of a part of an engine or boiler or boiler mounting in accordance with clause (o) of Rule 151 ; and
- (d) to answer orally questions appertaining to clauses (b), (d), (e), (f), (g), (h), (j), (k), (m), (n), (o), (p), (q), (r) and (s) of Rule 151.

#### Assessment of work

156. The value of the work done in all four sections prescribed under clauses (a), (b), (c) and (d) of Rule 155, namely,

mathematics, written questions, drawing and oral questions will be assessed in the manner prescribed in Rule 154 for second class candidates. In order to pass, a candidate's work should be "good" in all four sections but it must be good or "superior" in the oral examination. A "consider" in mathematics or drawing section may be counterbalanced by a "superior" in the other sections. Two "considers" or one "weak" will entail failure.

#### **Rules for examination room**

157. Candidates for certificates of proficiency will be allowed in the time allotted to cancel any part of their work, and, when required, additional paper will be supplied by the examiner, but they will not be allowed to work out the problems on a slate or on waste paper. The additional sheets shall be attached to and form part of the examination paper to be given in by the candidate.

Written answers and drawings shall be made out in the presence of the examiner and shall be given up, whether complete or not, on the expiration of the prescribed time.

The examination in rough working drawing for first class candidates may, at the candidates' option, be either a hand sketch clearly dimensioned and complete in the necessary views and sections or a drawing to scale.

Drawing boards, tee-squares and drawing paper will be provided at the examinations but candidates will have to bring their own drawing instruments.

If a candidate leaves the room before answering any question or before completing any paper which has been given to him he cannot afterwards be permitted to answer or complete the paper as the case may be but the examiner may substitute another question or another paper.

Any candidate discovered to have taken into the examination room any book, paper, document or memoranda of any description or to have copied from or afforded or given or received any assistance or any information to or from or communicating in any way with another candidate during the time of examination shall be regarded as having failed in his examination and shall not be allowed to proceed further with the examination.

#### **Time Table**

158. Examinations for first and second class engineers shall be timed as follows unless otherwise notified by the Commissioner who shall also prescribe intervals if necessary—

Monday	.. Mathematics, 11 a.m. to 5 p.m.
Tuesday	.. Written answers, 11 a.m. to 4-30 p.m.

Wednesday .. Drawing, 11 a.m. to 4 p.m.  
 Wednesday .. Oral examination (2nd class), 11 a.m. to 5 p.m.  
 Thursday .. Oral examination, 11 a.m. to 5 p.m.

The examinations may be continued from day to day, until all candidates have been dealt with :

Provided that if a candidate finishes his mathematical, written or drawing examination before the time prescribed for its completion the examiners may forthwith begin or continue as the case may be the oral examination of the candidate and proceed with it till 5 p.m. on that day and continue or complete it on any subsequent day of the examination.

**Grant of certificate of proficiency**

granted a certificate in accordance with the class in which he passed at such early date within two weeks after the close of the examination as is practicable.

159. If a candidate passes the examination he shall be

**Form of certificate of proficiency**

160. Certificates of proficiency as engineers to be in charge of steam engines and boilers shall be in Form V of the appendix to the Rules.

**Duplicate certificates of proficiency**

161. Duplicates of all certificates granted under these Rules shall be recorded in the office of the Commissioner.

**APPENDIX TO PART I OF THE BOMBAY BOILER RULES**

**FORM A.**

Boiler Inspection Department.

**Register of Boilers**

(Rules 9, 18 and 22)

1 Registry No.	2 Type of Boiler	3 Boiler rating	4 Name of manu- facturer	5 Year and place of construction	6 Date of registra- tion	7 Name of owner	8 Place where in use	9 Remarks (Transfers, etc.)

In Part II of the Register, Column 1 should contain the registry numbers and letters.

**FORM B.**

**INDIAN BOILERS ACT, 1923 (ACT V OF 1923)**

### Notice for Examination of Boiler under Sections 7 and 8

(Rule 34)

No. of 19 .

Boiler Inspection Office,

Dated,                      the                      19   .

**To**

In reply to your application dated \_\_\_\_\_ you are  
hereby informed that Boiler Registry No. \_\_\_\_\_ at the  
abovenamed premises will be thoroughly examined by the Gov-  
hydraulically tested ernment Inspector on the \_\_\_\_\_

[Reverse of Form B.]

## PREPARATION FOR EXAMINATION

See Part II, Chapter I, of the Regulations.

(Regulation 150)

### (A) Preparation for Inspection

At every examination of a boiler for the grant or renewal of a certificate, the boiler shall be empty and thoroughly clean in all its parts. All doors of manholes, handholes and sight-holes and cleaning plugs and all caps in the headers and mud-drums of water tube boilers, all firebars, bearers, front plates, bridge plates, firebridges, brick arches, oil fuel burners and mechanical stoker fittings shall be removed. All valves and cocks comprising the boiler mountings shall be opened up and taken apart and the valves or cocks ground, when necessary, before the Inspector's visit.

Provision shall, if required by the Inspector, be made for the removal of lagging or brickwork or other concealing part and for the drilling of plates and for verifying the pressure gauge and safety valve dimensions and weights. All smoke tubes, exterior of water tubes, smoke-boxes, and external flues shall be swept clean.

Provision shall be made for the effective disconnection of all steam and hot water communication with any other boiler under steam, as prescribed in Part III of the Regulations. This shall be effected either by the removal of a length of pipe from the steam and feed piping or by the insertion of substantial blank flanges. Where blank flanges are employed, they shall be inserted between the flange of the chest and the pipe attached to it. No blank flange shall be inserted between a safety valve chest and the boiler.

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*Note*—These provisions as to effective disconnection shall extend to every case wherein a person is sent or with the assent of the owner or person in charge goes into a boiler for any purpose. See Part III of the Regulations.



(Regulation 152)

**(B) Preparation for Hydraulic Test**

The chests of all mountings subject to steam pressure shall be in place and shut tight or blank flanged. The safety valves shall either be jammed down or removed and the chest-opening blank flanged. The attachment\* for the Inspector's pressure gauge and the nipple† for connecting the Inspector's test pump hose shall be in order. All doors shall be properly jointed and tightened up. The boiler shall be completely filled with water, care being taken to allow all air to escape and, if possible a preliminary test not exceeding the working pressure of the boiler shall be taken before the Inspector's visit to test the tightness of the joints. When a boiler is hydraulically tested for the first time, it shall be entirely cleared of lagging or brickwork; at subsequent tests the lagging or brickwork or portions thereof, shall be removed if required by the Inspector.

Preparation Now Required. (A), (B).

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*Note*—The last certificate for the boiler should be shown to the Inspector.

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\*Tapped ½" Whitworth bolt and nut thread.

†Tapped ¾" Whitworth bolt and nut thread.

## FORM C

(See Rule 8.)

## GENERAL WORKING OF BOILERS

## INSTRUCTIONS TO BOILER ATTENDANTS

These instructions should be frequently and carefully studied, with a view to keeping in mind the precautions to be observed, and the ordinary procedure to be followed in the safe working of boilers.

## PRECAUTIONS BEFORE STARTING THE FIRES

Before starting the fires in a boiler, the attendant should :—

- (1) see that there is sufficient water in the boiler and that the gauge cocks are working freely ;
- (2) ease safety valves, or open cock on top of boiler to allow air to escape ;
- (3) see that the blow-off cock is fully closed and tight ;
- (4) see that the safety valves and feed check valve are free and workable ;
- (5) see that water is not leaking from any part of the boiler ;
- (6) note if the pressure gauge pointer is at zero ;
- (7) see that the feed pump is in working order.

He must not rely on the supposition that the water he has previously put in is still in the boiler, as it may have run out without his knowledge through a leak or open cock, nor can he be sure that the gauge glass shows the true water level until he has tested it. This is done in the following manner ; shut off the lower gauge cock and empty the glass by the drain cock ; then shut the drain cock and open the gauge cock ; if everything is in order, the water will then rise in the glass to the same height as before.

## Raising steam

In getting up steam in all types of boilers the operation should be as gradual as circumstances will allow. Nothing turns a new boiler into an old one sooner than getting up steam too quickly. Forcing the fires when starting work is liable to cause straining of the seams and tubes of the boiler. In the case of large boilers generally, steam should not be got up in less than six hours. Before getting up steam, the water level should be observed, to ensure that water is at the proper height in the glass, the pressure gauge noted, and the safety valves tried to see they are free. The blow-off cock should be examined to see that it is completely shut and tight.

**Pressure gauge**

The pressure or steam gauge should be kept in order, and be in such a position as to be easily seen by the boiler attendant. There should be a plain mark on it showing the highest pressure allowed for the boiler, and the dial should be kept clean so that the figures may easily be read.

**Steam pressure**

Ordinarily the safety valve will prevent the steam from rising much above the working pressure, but if the steam gauge shows so rapid an increase of pressure as to indicate danger of exceeding the highest limit, water should be immediately fed into the boiler and the dampers partially closed in order to diminish the effect of the fire. If, however, the water has fallen so low that there is danger of an accident from this cause, the fires should be withdrawn before feeding in water, the safety valves eased, and if the engine is at rest it should be started so as to reduce the pressure.

The safety valves are provided to guard against over pressure.

They should be moved by hand every day so as to prevent them from sticking. If moved only occasionally, they are liable to leak.

The valve can be tested by raising it a little, and when let down, it should close perfectly tight. It should never be opened by a sudden knock or pull. If it does not close tight turn it on its seat until it fits, or when its construction does not permit this, raise it slowly a few times and let it down again, but on no account must the valve be screwed down further or loaded more than what has been allowed by the Inspector.

Safety valves must never be overloaded, and spring valves should have ferrules or other provision against the valves being screwed down too far. In case of an accident resulting from wilful overloading the culprit might be held criminally responsible at the official inquiry or inquest.

**Low water safety valves**

If there is a low water safety valve, test it occasionally by lowering the water level to see that the valve begins to blow at the right point. It should give warning "before" the water level has sunk too low, and before damage can be done. When the boiler is opened, examine the floats and lever and see that they are free and that they give the valve the full rise. With the ordinary type of high-steam and low water safety valve the float should be down at its lowest position and the valve full open when the boiler is empty.

### **The water gauges**

These will be kept in best order by frequently blowing through. The cocks are thus kept in good working condition without leaking. Blow through the drain cock at the bottom of the gauge, and shut and open the steam and water cocks every few hours. These cocks should be blown through more frequently when the water is dirty. Should either of the passages become choked, or whenever the water in the gauge glass moves sluggishly the passages must be cleaned. This is best done with a wire. The gauge glass is so arranged that its top cock connects with the steam space and its bottom cock is below the water line. The water line will ordinarily be near the middle of the glass tube. Always test the glass water gauges thoroughly, the first thing in the morning and at the commencement of every shift. This is done by first opening the drain cock and then shutting the upper cock which should give water; the upper cock should then be opened and the bottom cock closed—which should give steam; during this test the drain cock should be kept open.

If water and steam do not appear in proper order the cocks are choked and the passages should be cleaned. To lessen the risk of breaking the gauge glass the water cock should always be reopened after the steam cock.

Gauge glasses with a narrow white stripe running the whole length of the glass on the side next the boiler the recommended as they show the water line more clearly, especially when the water is dirty.

The boiler regulations framed by the Board require every water gauge glass to be fitted with a guard to prevent injury to the attendants. See that it is always in place, and clean, when there is steam in the boiler.

### **Special Note**

It does not follow that there is plenty of water in the boiler because there is plenty of water in the gauge glass. The passages may be choked, and empty gauge glasses are sometimes mistaken for full ones, and explosions have resulted therefrom. Hence the importance of keeping the gauge cocks perfectly tight and clean and of blowing through the test cocks frequently.

A large number of accidents have been due to inoperative water gauges, and to negligence of the attendant in not carefully reading the water level.

### **The Blow-off Cock**

The Blow-off should be used daily if the water is at all dirty or sedimentary, especially with Locomotive type and Ver-

tical Boilers, as their narrow water spaces are liable to get choked with mud, which soon hardens into a solid mass. The amount of water to be blown out depends on the size of the boiler and can be determined only from experience. When blowing out, the best result is obtained if the water has been at rest for some time (say before the engine is started) thus giving the sediment time to settle; if the feed water is clean merely turn the cock round.

#### **The Scum Cock**

When scum cocks are fitted, if the feed water is dirty, a little should be blown off daily; if the water is clean, merely turn the cock round. Before opening the scum cock, see that the water is at the height indicated by the water-level pointer, otherwise the scumming will be ineffective. Water should be blown from the surface through the scum cock when steam is being drawn off, i.e., when the engine or other machinery is working.

#### **Manhole and other Door Joints**

When making such joints the jointing materials should never be of round-sectioned packing. Care must be taken that the spigot of the door is centrally placed in the hole, as many accidents have resulted from packing being blown out between the spigot and side of hole, even when the clearance was only  $1/8$ th of an inch. The nuts must be carefully and evenly tightened. Further tightening should be made during the process of heating up the boiler when raising steam.

#### **steam pipes**

When properly arranged, should give no trouble. Frequently, however, they are so designed as to contain pockets, in which, while out of use, condensed steam accumulates. Such water is exceedingly dangerous and great care should be taken to see that the pipes are properly drained before the stop-valve is opened otherwise "water hammer" will take place even with the best designed steam pipes, and disastrous explosions, causing loss of life and property may occur.

#### **Scale and Grease**

Roughly speaking, scale offers a hundred times as much resistance to the passage of heat as does a similar thickness of steel or iron. A half inch furnace plate covered with  $1/10$ th inch scale is as efficient a heat retarder as a steel furnace 10 inches thick. Grease is about ten times worse than scale. In a boiler at work the temperature of a clean furnace plate is only slightly in excess of that of the water in the boiler; but

if scale or grease is interposed between the water and the plate, the latter acquires a temperature more nearly approximately that of the flame with which it is in contact. If the fire is fierce (artificial draught) the furnace tube may grow so hot that it elongates considerably. If in addition, cold air is admitted during each firing, a concerting action of the furnace takes place, which is one of the worst causes of boiler wear and tear.

#### **Wear and Tear**

Can be reduced and the life of a boiler prolonged if scale and grease are prevented from accumulating in a boiler. The combined effects of scale or grease and artificial draught are disastrous. Scale or grease also causes waste of fuel.

#### **Grease**

A mixture of sedimentary water, soda, and grease produces an adhesive scum. Where this is suspected, the water level should never be lowered below the furnace top unless the boiler is afterwards entered and this scum cleaned off the furnace plate before firing again.

#### **Scale Removal**

The customary method is not a satisfactory one. The boiler is emptied and then cooled down by opening all the manholes, and the result is that the scale, which would otherwise be soft, hardens through contact with the air, and requires laborious chipping off.

A very effective, but slower method, is to retain the water in the boiler until cool, and not to run it out until the men are ready to enter the boiler with water hose, brushes and scrapers. The scale will then be soft and easily removable.

If time is a consideration, the cooling can be accelerated by adding cold feed to the hot water in the boiler and slowly running off the cooled water. Another method is to blow off the boiler with the lowest possible pressure (not more than 20 lbs.) and to keep it closed until cold. The scale will then be easily removed.

#### **Treatment of Feed water**

Many feed waters require soda or other chemicals to arrest corrosion or to change the nature of the scale.

There is no harmless chemical which will remove scale or sediment when it has once got into the boiler and the only effective process is to purify the feed water before it enters the boiler. By this means, the sediment, and generally, too, the added chemicals, can be deposited in tanks or in filters, and therefore never goes into the boiler. Excepting when the water obtainable is very good, water-purifying apparatus ought to pay any

boiler owner, particularly at those works where three boilers are in constant work. Boiler owners wishing to have definite advice as to the best treatment of their feed water should have it analysed at some Chemical Laboratory and ascertain the best treatment in the particular circumstances.

Special attention is drawn to the not infrequent but very bad practice of allowing the waste steam from the Engine Cylinders or Pumps to be drained into the boiler Feed Water Tanks. The waste steam from cylinders is always mixed with a certain amount of oily matter, which will be deposited in the feed water tanks and ultimately be pumped into the boiler, with possibly disastrous results, as it will be obvious to every careful boiler attendant that should the oil be deposited on the furnace crowns, they may become over-heated and collapse.

It should be the first care of the Boiler Owner, and the Boiler Attendant to see that the feed water is kept as pure as possible. Impure feed water means additional expense on the upkeep of the boiler.

#### **Preservation of Boilers when not in use**

Steam boilers when not in use are liable to deterioration from corrosion, and, unless well cared for and made rust-proof, they may depreciate more rapidly than when in use. They should be thoroughly drained and thoroughly dried and all valves, cocks and openings closed so as to exclude moisture. Another plan is to fill the boiler with water to which about 1/100 per cent. caustic soda has been added.

#### **SPECIAL INSTRUCTIONS FOR BOILER NO.**

This boiler should be opened up and thoroughly cleaned after a period of work which should not exceed.....  
A record of such cleanings should be maintained and produced, when required by the Inspector.

Dated

Inspector of Boilers.

257

**LABOUR AND FACTORY LEGISLATION**  
**APPENDIX TO PARTS II AND III OF THE BOMBAY BOILER**  
**RULES, 1924**

**FORM I.**  
 (See Rules 96, 129 and 131)  
**INDIAN BOILERS ACT, 1923 (ACT V OF 1923)**  
 Application for an Engineer's Certificate of Proficiency or for a  
 Boiler Attendant's Certificate of Competency or of Service.

**Name, etc., of Applicant**

A { **Name in full** \_\_\_\_\_

**Permanent address** \_\_\_\_\_

**Place of birth** \_\_\_\_\_

**Date of birth** \_\_\_\_\_

**Particulars of all previous certificates (if any)**

B {

Number of certificate	Proficiency, Competency, or Service	Grade	Where issued	Date of issue	If at any time suspended or cancelled, state by what Court or Authority	Date	Cause

**Certificate now required**

C {

Grade	Proficiency, Competency or Service	Address to which certificate may be sent

**Statement of previous failures (if any)**

If applicant has failed in a previous examination for the certificate now required, he must here state the date and place of each examination in which he has failed. If he has not failed, he must state so in writing across this division.

D {

Date of examination	Place of examination	Subjects in which he failed



(Take Notice)—Any person who makes, procures to be made, or assist in making any false representation for the purpose of obtaining for himself or any other person a Certificate of Proficiency, Competency or Service, will be criminally prosecuted.

I do hereby declare that the particulars contained in Divisions (A), (B), (C), (D) and (F) of this Form are correct and true to the best of my knowledge and belief; and that the papers enumerated in Division (F) and submitted with this Form are TRUE AND GENUINE documents, given and signed by the persons whose names respectively appear on them, and further that those names are truly and correctly stated against each of the said papers as entered in Division (F); and further that the copies of the said papers, also submitted with this Form, are true and correct copies thereof. I further declare that the Statement (F) contains a true and correct account of the whole of my services without exception. And I make this Declaration conscientiously believing the same to be true.

Signed in the presence of :—

Signature of applicant.  
Present address.

**[Reverse of Form I.]**

(F)—LIST OF TESTIMONIALS AND STATEMENT OF SERVICE

**(Testimonials to be numbered consecutively as below)**

1	2	3	4	5	6	7	8	Time employed			12
Consecutive number of Testimonial	Date of Testimonial	Name of person signing each Testimonial	Address and designa- tion of Factory or Workshop where employed	Number, type and heating surface of boilers	Capacity in which employed	Date of commence- ment	Date of termination	Year	Months	Days	Initials of Verifier
Total Service ...											
Time served for which no certificates are now produced ...											

LABOUR AND FACTORY LEGISLATION

CERTIFICATE OF EXAMINERS

259

**Examination**

Certified that \_\_\_\_\_ has been examined for a certificate of proficiency as engineer or a certificate of competency as Boiler Attendant of the class at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and has satisfied us of his fitness to hold a certificate of the FIRST, SECOND CLASS. He has therefore PASSED, FAILED.

**Exchange**

Certified that \_\_\_\_\_ before us at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, a certificate of competency of the \_\_\_\_\_ class as and we are of opinion that he should be granted a certificate of competency of the FIRST, SECOND CLASS in exchange.

**Service**

Certified that \_\_\_\_\_ before us at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, satisfactory testimonials covering the required period of service and we are of opinion that he should be granted a certificate of service of the FIRST, SECOND CLASS.

PERSONAL DESCRIPTION OF APPLICANT

**H** { Nationality  
Religion or caste  
Height \_\_\_\_\_ ft.  
Colour of hair \_\_\_\_\_ ins. Complexion  
Personal marks or peculiarities \_\_\_\_\_ ; eyes

Board of Examiners {

To

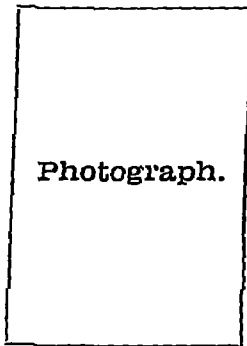
Commissioner

**Office** { Date  
Certificate, No. \_\_\_\_\_ of the \_\_\_\_\_ class issued  
and duplicate recorded on \_\_\_\_\_ 19\_\_\_\_  
Commissioner.

**APPENDIX TO PARTS II AND III OF THE BOMBAY  
BOILER RULES, 1924****FORM II**

Form of Certificate of Competency to be granted under Rule 120.  
**BOMBAY BOILER RULES, 1924.**

Certificate No. \_\_\_\_\_



*Certificate of Competency as First Class  
(or Second Class) Boiler Attendant.*

To \_\_\_\_\_

Having satisfied us of your competency to fulfil the duties of  
Class Boiler Attendant in accordance with the  
Rules now in force we do hereby, in pursuance of the said Rules,  
namely, The BOMBAY BOILER RULES, 1924, grant you this Cer-  
tificate of Competency of the \_\_\_\_\_ Class.

By order of the Governor of Bombay,

Board of Examiners {

This

day of

19 .

LABOUR AND FACTORY LEGISLATION

261

(Reverse of Form II.)

CERTIFICATE NO. 19

Signature of Owner

Date and Place of Birth

Address of Owner

Personal description

Nationality

Religion or Caste

Height without shoes

Complexion

Colour of hair ; eyes

Marks or peculiarities

Thumb impression



Certificate No. issued under by signature this

day of 19

This certificate is given upon an Ordinary Examination passed

at on the day of 19

Date of issue

Commissioner.

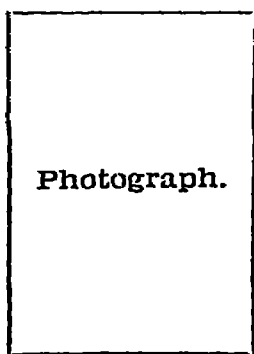
*N. B.*—Any person other than the owner hereof becoming possessed of this Certificate should transmit it forthwith to the office of issue.

**APPENDIX TO PARTS II AND III OF THE  
BOMBAY BOILER RULES, 1924.****FORM III**

Form of Certificate of Competency to be granted under Rule 120.

**BOMBAY BOILER RULES, 1924.**

Certificate No.



*Certificate of Competency as First Class  
(or Second Class) Boiler Attendant.*

To

Having produced before us a Certificate of Competency as  
Class issued to you by  
on we do hereby, in pursuance  
of the BOMBAY BOILER RULES, 1924, grant you this Certificate  
of Competency of the Class in exchange.

By order of the Governor of Bombay,

Board of Examiners {

This . . . day of . . . 19 .

[Reverse of Form III.]

CERTIFICATE NO.

19

Signature of Owner

Date and Place of Birth

Address of Owner

Personal description

Nationality

Religion or Caste

Height without shoes

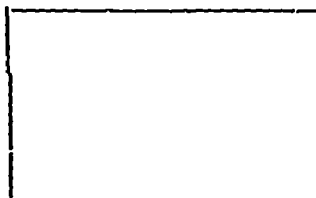
Complexion

Colour of hair

; eyes

Marks or peculiarities

Thumb impression



Certificate No.

issued under my signature this

day of

19

This certificate is given upon production of Certificate of .

Competency No.

issued at

after examination

on the

day of

19

Commissioner.

Date of issue

N. B.—Any person other than the owner hereof becoming possessed of this Certificate should transmit it forthwith to the office of issue.

APPENDIX TO PARTS II AND III OF THE  
BOMBAY BOILER RULES, 1924.

## FORM IV.

Form of Certificate of Service to be granted under Rule 120.

## BOMBAY BOILER RULES, 1924.

Certificate No.

Photograph.

*Certificate of Competency as First Class  
(or Second Class) Boiler Attendant.*

To

Having satisfied us that you have served for the period required in accordance with the Bombay Boiler Rules, 1924, prior to the coming into force of the Rules and being of opinion that you are possessed of competent practical skill, we hereby, in pursuance of the said Rules, grant you this Certificate of Service of the

Class.

By order of the Governor of Bombay,

Board of Examiners {

This

day of .

19 .

LABOUR AND FACTORY LEGISLATION  
[Reverse of Form IV.]

265

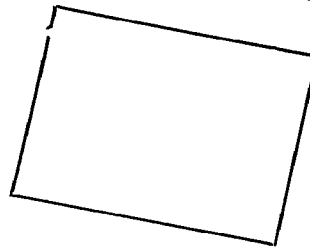
CERTIFICATE NO.

19

Signature of Owner  
Date and Place of Birth  
Address of Owner  
Personal description  
Nationality  
Religion or Caste  
Height without shoes  
Complexion: ;  
Colour of hair: ;  
Marks or peculiarities

; eyes

Thumb impression



Certificate No.

day of

issued under my signature this  
19

This certificate is given upon production of satisfactory testimonials of service in accordance with Rule 82 of the Bombay Boiler Rules, 1924.

Date of issue

Commissioner.

*N.B.*—Any person other than the owner hereof becoming possessed of this Certificate should transmit it forthwith to the office of issue.



**APPENDIX TO PARTS II AND III OF THE  
BOMBAY BOILER RULES, 1924.****FORM V.**

Form of Certificate of Proficiency to be granted under Rule 160.

**BOMBAY BOILER RULES, 1924.**

*Certificate of Proficiency of the First  
(or Second Class)*

**To**

Having satisfied us of your proficiency as an engineer to be in charge of steam engines and boilers, we do hereby, in pursuance of the BOMBAY BOILER RULES, 1924, grant you this Certificate of Proficiency of the FIRST (or SECOND) CLASS.

By order of the Governor of Bombay,

Board of Examiners }

This

day of

19

LABOUR AND FACTORY LEGISLATION

267

[Reverse of Form V.]

CERTIFICATE NO.

19

Signature of Owner  
Date and Place of Birth  
Address of Owner  
Personal description  
Nationality  
Religion or Caste  
Height without shoes  
Complexion  
Colour of hair  
Marks or peculiarities  
Certificate No.

; eyes

This certificate is given upon an Examination passed at  
day of 19  
on the day of 19

Commissioner.

Date of issue

*N.B.*—Any person other than the owner hereof becoming possessed of this Certificate should transmit it forthwith to the office of issue.

GENERAL DEPARTMENT

BOMBAY CASTLE, 5TH JULY 1926

No. 1325.—The following list of Engineering Colleges and Technical Institutes recognized by Government under rules 141(b) of the Bombay Boiler Rules, 1924, is published for general information—

PROVINCE OF BOMBAY

- (1) College of Engineering, Poona.
- (2) Do Workshops, Poona.
- (3) R. C. Technical Institute, Ahmedabad.
- (4) F. S. Parekh Technical Institute, Surat.

- (5) Victoria Jubilee Technical Institute, Bombay.
- (6) Kala Bhavan, Baroda.
- (7) J. N. Tata Hunarshala, Navsari (Baroda State).
- <sup>1</sup>(8) Government Central Workshops, Dapuri, Kirkee.
- <sup>2</sup>(9) The King Edward VII Technical School, Dhulia.
- <sup>3</sup>(10) Nadirshaw Edulji Dinshaw Civil Engineering College, Karachi.
- <sup>4</sup>(11) The O'Brien Technical Institute, Kolhapur.
- <sup>5</sup>(12) The Morvi Technical Institute, Morvi.

## BENGAL PRESIDENCY

- (1) Bengal Engineering College, Sibpur, Howrah.
- (2) Calcutta Technical School, Calcutta.
- (3) Kanchrapara Technical School, Kanchrapara, E.B. Rly.

## MADRAS PRESIDENCY

- (1) College of Engineering, Guindy.
- (2) Government School of Technology, Madras.

## UNITED PROVINCES

- (1) Government Technical School, Lucknow.
- (2) Do Do Gorakhpur.
- (3) Do Do Jhansi.
- (4) Engineering College, Benares Hindu University, Benares.
- <sup>6</sup>(5) The Technical College, Dayalbagh, Agra.

## PUNJAB

- (1) MacLagan Engineering Class A, Moghalpura, Lahore.

## CENTRAL PROVINCES

- (1) Government Engineering School, Nagpur.

## BURMA

- (1) Government School of Engineering, and Technical Institute, Insein.

## BIHAR AND ORISSA

- (1) Jamalpur Technical School, Jamalpur.

## MYSORE

- <sup>7</sup>(1) The College of Engineering, Bangalore.

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<sup>1</sup> Added under Government Notification, G.D., No. 1325, dated the 27th July 1926.

<sup>2</sup> Do do P.D., No. 7691, dated the 11th November 1930.

<sup>3</sup> Do do P.&R.D., No. 7691, dated the 8th March 1931.

<sup>4</sup> Do do P. & R. D., No. 7691, dated the 1st July 1931.

<sup>5</sup> Added *vide* G. of B. Gazette, Part IV A.P. 11 of 21/1/13.

<sup>6</sup> Added under Govt. Not. P. D., No. 7691, dated the 1st February 1933.

<sup>7</sup> Do do G.D. No. 1325 of 11/2/27.

# The Indian Dock Labourers' Act, 1934\*

INDIA ACT No. XIX of 1934

WHEREAS a Revised Draft Convention concerning the protection against accidents of Workers employed in loading and unloading ships was adopted at Geneva on the 27th day of April 1932; And whereas it is expedient to give effect in British India to the said Convention; It is hereby enacted as follows:—

**Short Title, Extent, Commencement & Application.**

1. (1) This Act may be called Indian Dock Labourers' Act, 1934.
- (2) It extends to the whole of British India.
- (3) It shall come into force on such date as the Governor General in Council by Notification in the Gazette of India, appoints.
- (4) It shall not apply to any ship of War of any Nationality.

**Definitions.**

2. In this Act, unless there is anything repugnant in the subject or context:—

- (a) "the processes" includes all work which is required for or is incidental to the loading or unloading of cargo or fuel into or from a ship and is done on board the ship or alongside it; and
- (b) "Worker" means any person employed in the processes.

**Inspectors.**

3. (1) The Local Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.
- (2) All Principal Officers of the Mercantile Marine Department shall be Inspectors under this Act, Ex-officio, within the limits of their charges.

\*Note—This Act has not yet been brought into force in India.

- the escape of the workers when employed in a hold or between decks in dealing with coal and other bulk cargo ;
- (o) prescribing the precautions to be observed in the use of stages and trucks ;
  - (p) prescribing the precautions to be observed when the workers have to work where dangerous or noxious goods are or have been stowed or have to deal with work in proximity to such goods ;
  - (q) providing for the rendering of first aid to injured workers and removal to the nearest place of treatment ;
  - (r) prescribing the provisions to be made for the rescue of immersed workers from drowning ;
  - (s) prescribing the abstracts of this Act and of the regulations required by section 8 ;
  - (t) providing for the submission of notices of accidents and dangerous occurrences and prescribing the forms of such notices, the persons and authorities to whom they are to be furnished, the particulars to be contained in them and the time within which they are to be submitted ;
  - (u) specifying the persons and authorities who shall be responsible for compliance with regulations made under this Act ;
  - (v) defining the circumstances in which and conditions subject to which exemptions from any of the regulations made under this section may be given, specifying the authorities who may grant such exemptions and regulating their procedure ;
  - (w) defining the additional powers which Inspectors may exercise under clause (c) of section 4 and
  - (x) providing generally for the safety of workers.
- (2) Regulations made under this section may make special provision to meet the special requirements of any particular port or ports.
- (3) In making a regulation under this section the Governor General in Council may direct that a breach of it

shall be punishable with fine which may extend to five hundred rupees and when the breach is a continuing breach, with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

**Powers to Local Government to make rules.**

6. Subject to the control of the Governor General in Council, the Local Government may make rules regulating—

- (a) the inspection of premises or ships where the processes are carried on; and
- (b) the manner in which Inspectors are to exercise the powers conferred on them by this Act.

**General Provisions relating regulations and rules.**

7. (1) The power to make regulations and rules conferred by Sections 5 and 6 is subject to the condition of the regulations and rules being made after previous publication.

(2) Regulations and rules shall be published in the Gazette of India and Local Official Gazette respectively.

**Abstracts of Act and regulations to be conspicuously posted.**

8. There shall be affixed in some conspicuous place near the main entrance of every dock, wharf, quay or similar premises where the processes are carried on, in English and in the language of majority of workers, the abstracts of this Act and the regulation made thereunder which may be prescribed by the regulations.

**Penalties.**

9. Any person who—

- (a) wilfully obstructs an Inspector in the exercise of any power under Section 4, or fails to produce on demand by an Inspector any registers or other documents kept in pursuance of the regulations made under this Act, or any gear, fixed or loose, used for the processes or conceals or prevents or attempts to prevent any person from appearing before, or being examined by, an Inspector; or
- b) unless duly authorized, or in case of necessity, re-

moves any fencing, gangway, gear, ladder, life saving means or appliances, light, mark, stage, or other thing required to be provided by or under the regulations made under this Act, or

- (c) having in case of necessity removed any such fencing, gangway, gear, ladder, life saving means or appliance, light, mark, stage or other thing, omits to restore it at the end of the period for which its removal was necessary, shall be punishable with fine which may extend to five hundred rupees.

#### **Provisions relating to jurisdiction.**

10. (1) No court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try any offence under this Act, or the regulations made thereunder.

(2) No prosecution for any offence under this Act or the regulations made thereunder shall be instituted except by or with the previous sanction of an Inspector.

(3) No court shall take cognizance of any offence under this Act or the regulations made thereunder, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

#### **Power to exempt.**

11. The Governor-General -in-Council may, by notification in the Gazette of India, exempt from all or any of the provisions of this Act and of the regulations made thereunder, on such conditions, if any, as he thinks fit,—

(a) any part or place, dock, wharf, quay or similar premises at which the processes are only occasionally carried on or the traffic is small and confined to small ships, or

(b) any specified ship or class of ships.

#### **Protection to persons acting under this Act.**

12. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

# The Indian Mines Act, 1923

INDIA ACT NO. IV OF 1923.<sup>1</sup>

*An Act to amend and consolidate the law relating to the regulation and inspection of mines.*

WHEREAS it is expedient to amend and consolidate the law relating to the regulation and inspection of mines; It is hereby enacted as follows :—

## CHAPTER I.

### PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Indian Mines Act, 1923.

(2) It extends to the whole of British India,<sup>2</sup> including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on the first day of July, 1924.

2. [Saving of Reg. XII of 1887.] Rep. by the A. O. Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(a) "agent," when used in relation to a mine, means any person appointed or acting as the representative of the owner in respect of the management of the mine or of any part thereof, and as such superior to a manager under this Act;

(b) "Chief Inspector" means the Chief Inspector of Mines appointed under this Act;

<sup>3</sup>[(c) "child" means a person who has not completed his fifteenth year;]

<sup>1</sup> For Statement of Objects and Reasons, see Gazette of India, 1922, Pt. V. p. 723; and for Report of Joint Committee, see *ibid.*, 1923, Pt. V, p. 25.

<sup>2</sup> This Act has been declared to be in force in the Khondmals District by the Khondmals Laws Regulation, 1936 (1 of 1936), s. 3 and Sch., and in the Angul District by the Angul Laws Regulation, 1936 (5 of 1936), s. 3 and Sch.

<sup>3</sup> Subs. by the Indian Mines (Amendment) Act, 1935 (5 of 1935), s. 2, for the original clause.



- <sup>1</sup>[(cc) "day" means a period of twenty-four hours beginning at midnight;]
- <sup>2</sup>[(<sup>3</sup>ccc) "District Magistrate" means, in a Presidency-town, the person appointed by the <sup>4</sup>[Central Government] to perform the duties of a District Magistrate under this Act in that town;]
- (d) a person is said to be "employed" in a mine who works under appointment by or with the knowledge of the manager, whether for wages or not, in any mining operation, or in cleaning or oiling any part of any machinery used in or about the mine, or in any other kind of work whatsoever incidental to, or connected with, mining operations ;
- (e) "Inspector" means an Inspector of Mines appointed under this Act, and includes a District Magistrate when exercising any power or performing any duty of an Inspector which he is empowered by this Act to exercise or perform ;
- (f) "mine" means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes all works, machinery, tramways and sidings, whether above or below ground, in or adjacent to or belonging to a mine :  
provided that it shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for coke making or the dressing of minerals ;
- (g) "owner," when used in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof, but does not include a person who merely receives a royalty, rent or fine from the mine, or is merely the proprietor of the mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested

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<sup>1</sup> Ins. by The Indian Mines (Amendment) Act, 1935 (5 of 1935), s. 2.  
<sup>2</sup> Ins. by the Indian Mines (Amendment) Act, 1931 (21 of 1931), s. 2.  
<sup>3</sup> The original cl. (cc) was re-lettered (ccc) by Act 5 of 1935, s. 2.  
<sup>4</sup> Subs. by the A. O. for "L. G."

in the minerals of the mine; but any contractor for the working of a mine or any part thereof shall be subject to this Act in like manner as if he were an owner, but not so as to exempt the owner from any liability;

(h) "prescribed" means prescribed by regulations, rules or bye-laws;

(i) "qualified medical practitioner" means any person registered under the Medical Act, 1858, or any Act amending the same or under any Act of any Legislature in British India providing for the maintenance of a register of medical practitioners, and includes, in any area where no such last-mentioned Act is in force, any person declared by the <sup>1</sup>[Central Government], by notification in the <sup>2</sup>[Official Gazette], to be a qualified medical practitioner for the purposes of this Act;

(j) "regulations," "rules" and "bye-laws" mean respectively regulations, rules and bye-laws made under this Act;

<sup>3</sup>[(jj) where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a "relay";]

(k) "serious bodily injury" means any injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb, or the permanent loss of or injury to the sight or hearing, or the fracture of any limb or the enforced absence of the injured person from work for a period exceeding twenty days; and

(l) "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night.

<sup>1</sup> Subs. by the A. O. for "L. G."

<sup>2</sup> Subs. by the A. O. for "local official Gazette".

<sup>3</sup> Ins. by the Indian Mines (Amendment) Act, 1935 (5 of 1935), s. 2.

## CHAPTER II.

## INSPECTORS.

**Chief Inspector and Inspectors.**

4. (1) <sup>1</sup>[Central Government] may, by notification in the <sup>2</sup>[Official Gazette], appoint a duly qualified person to be Chief Inspector of Mines for the whole of British India, and duly qualified persons to be Inspectors of Mines subordinate to the Chief Inspector.

(2) No person shall be appointed to be Chief Inspector or an Inspector, or having been appointed shall continue to hold such office who is or becomes directly or indirectly interested in any mine or mining rights in India.

(3) The District Magistrate may exercise the powers and perform the duties of an Inspector subject to the general or special orders of the <sup>3</sup>[Central Government] :

Provided that nothing in this sub-section shall be deemed to empower a District Magistrate to exercise any of the powers conferred by Section 19 or Section 32. .

(4) The Chief Inspector and every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code.

**Functions of Inspectors.**

5. (1) The Chief Inspector may, by order in writing, prohibit or restrict the exercise by any Inspector named, or any class of Inspectors specified, in the order of any power conferred on Inspectors by this Act, and shall, subject as aforesaid, declare the local area or areas within which, or the group or class of mines with respect to which, Inspectors shall exercise their respective powers.

(2) The Inspector shall give information to owners, agents and managers of mines, situate within the local area or areas or belonging to the group or class of mines, in respect of which he exercises powers under sub-section (1) as to all regulations and rules which concern them respec-

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<sup>1</sup> Subs. by the A. O. for "G. G. in C."

<sup>2</sup> Subs. by the A. O. for "Gazette of India."

<sup>3</sup> Subs. by the A. O. for "L. G."

tively and as to the places where copies of such regulations and rules may be obtained.

**Powers of Inspectors of Mines.**

6. The Chief Inspector and any Inspector may—  
 (a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder are observed in the case of any mine ;

(b) with such assistants (if any) as he thinks fit, enter, inspect and examine any mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine ;

(c) examine into, and make inquiry respecting, the state and condition of any mine or any part thereof, the ventilation of the mine, the sufficiency of the bye-laws for the time being in force relating to the mine, and all matters and things connected with or relating to the safety of the persons employed in the mine.

**Powers of special officer to enter, measure, etc.**

7. Any person in the service of the <sup>1</sup>[Crown] duly authorised by a special order in writing of the Chief Inspector or of an Inspector in this behalf may, for the purpose of surveying, levelling or measuring in any mine, after giving not less than three days' notice to the manager of such mine, enter the mine and may survey, level or measure the mine or any part thereof at any reasonable time by day or night, but not so as unreasonably to impede or obstruct the working of the mine.

**Facilities to be afforded to Inspectors.**

8. Every owner, agent and manager of a mine shall afford the Chief Inspector and every Inspector and every person authorised under Section 7 all reasonable facilities

<sup>1</sup> Subs. by the A. O. for "Govt."

for making any entry, inspection, survey, measurement, examination or inquiry under this Act.

**Secrecy of information obtained.**

9. (1) All copies of, and extracts from, registers or other records appertaining to any mine, and all other information acquired by the Chief Inspector or an Inspector or by any one assisting him, in the course of the inspection of any mine under this Act or acquired by any person authorised under Section 7 in the exercise of his duties thereunder, shall be regarded as confidential, <sup>1</sup>[and shall not be disclosed to any person other than a Magistrate or an official superior or the owner, agent or manager of the mine concerned, unless the Chief Inspector or the Inspector considers disclosure necessary to ensure the safety of any persons].

(2) If the Chief Inspector, or an Inspector or any other person referred to in sub-section (1) discloses, <sup>2</sup>[contrary to the provisions of sub-section (1)], any such information as aforesaid without the consent of <sup>3</sup>[the Central Government], he shall be guilty of a breach of official trust, and shall be punishable <sup>4</sup>[with imprisonment for a term which may extend to one year, or with fine, or with both].

(3) No Court shall proceed to the trial of any offence under this Section, <sup>5</sup>[except with the previous sanction if the Central Government.]

### CHAPTER III.

#### MINING BOARDS AND COMMITTEES.

##### Mining Boards.

10. (1) The <sup>6</sup>[Central Government] may constitute <sup>7</sup>[for any part of British India], or for any group or class of mines <sup>8</sup>\* \* \*, a Mining Board consisting of—

<sup>1</sup> Ins. by the Indian Mines (Amendment) Act, 1937 (29 of 1937), s. 3.

<sup>2</sup> Subs. by s. 3, *ibid.*, for "to any one other than a Magistrate or an officer to whom he is subordinate."

<sup>3</sup> Subs. by the A. O. for "the G. G. in C. or of the L. G."

<sup>4</sup> Subs. by the Repealing and Amending Act, 1925 (37 of 1925), s. 2 and Sch. I, for "in the manner provided by s. 4 of the official Secrets Act, 1889."

<sup>5</sup> Subs. by Act 29 of 1937, s. 3, for the original words as amended by the A. O.

<sup>6</sup> Subs. by the A. O. for "L. G."

<sup>7</sup> Subs. by the A. O. for "for the province, or for any part of the province."

<sup>8</sup> The words "in the province" rep. by the A. O.

- (a) a person in the service of the Crown<sup>1</sup>, not being the Chief Inspector or an Inspector, nominated by the <sup>2</sup>[Central Government] to act as chairman;
- (b) the Chief Inspector or an Inspector;
- <sup>3</sup>[(c) a person, not being the Chief Inspector or an Inspector, nominated by the <sup>2</sup>[Central Government];]
- (d) two persons nominated by owners of mines or their representatives in such manner as may be prescribed;
- <sup>4</sup>[(e) two persons to represent the interest of miners, who shall be nominated in accordance with the following provisions:—
- (i) if there are one or more registered trade unions having in the aggregate as members not less than one quarter of the miners, the said persons shall be nominated by such trade union or trade unions in such manner as may be prescribed;
- (ii) if sub-clause (i) is not applicable and there are one or more registered trade unions having in the aggregate as members not less than 1,000 miners, one of the said persons shall be nominated by such trade union or trade unions in such manner as may be prescribed and the other by the <sup>2</sup>[Central Government];
- (iii) if neither sub-clause (i) nor sub-clause (ii) is applicable, the said persons shall be nominated by the <sup>2</sup>[Central Government].

*Explanation.*—In this clause “miner” means a person employed, otherwise than in a position of supervision or management, in any of the mines for which the Mining Board is constituted.]

(2) The chairman shall appoint a person to act as secretary to the Board.

<sup>1</sup> The words “Crown” were subs. for the words, “the Government” vide G. of B. Gazette Part IV p. 282 of 25-4-40.  
<sup>2</sup> Subs. by the A. O. for “L. G.”  
<sup>3</sup> Subs. by the Indian Mines (Amendment) Act, 1935 (5 of 1935), s. 3, for the original clause.  
<sup>4</sup> Ins. by s. 3, *ibid.*

(3) The <sup>1</sup>[Central Government] may give directions as to the payment of travelling expenses incurred by the secretary or any member of any such Mining Board in the performance of his duty as such secretary or member.

#### **Committees.**

11. (1) Where under this Act any question relating to a mine is referred to a Committee, the Committee shall consist of—

- (a) a chairman nominated by the <sup>1</sup>[Central Government] or by such officer or authority as the <sup>1</sup>[Central Government] may authorise in this behalf;
- (b) a person nominated by the chairman and qualified by experience to dispose of the question referred to the Committee; and
- (c) two persons of whom one shall be nominated by the owner, agent or manager of the mine concerned, and the other shall be nominated by the <sup>1</sup>[Central Government] to represent the interests of the persons employed in the mine.

(2) No Inspector or person employed in or in the management of any mine concerned shall serve as chairman or member of a Committee appointed under this Section.

(3) Where an owner, agent or manager fails to exercise his power of nomination under clause (c) of subsection (1), the Committee may, notwithstanding such failure, proceed to inquire into and dispose of the matter referred to it.

(4) The Committee shall hear and record such information as the Chief Inspector or the Inspector, or the owner, agent or manager of the mine concerned, may place before it, and shall intimate its decision to the Chief Inspector or the Inspector and to the owner, agent or manager of the mine, and shall report its decision to the <sup>1</sup>[Central Government].

(5) On receiving such report the <sup>1</sup>[Central Government] shall pass orders in conformity therewith unless the

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<sup>1</sup> Subs. by the A. O. for "L. G."

Chief Inspector or the owner, agent or manager of the mine has lodged an objection to the decision of the Committee, in which case the <sup>1</sup>[Central Government] may proceed to review such decision and to pass such orders in the matter as it may think fit. If an objection is lodged by the Chief Inspector, notice of the same shall forthwith be given to the owner, agent or manager of the mine.

(6) The <sup>1</sup>[Central Government] may give directions as to the remuneration, if any, to be paid to the members of the Committee or any of them, and as to the payment of the expenses of the inquiry including such remuneration.

#### **Powers of Mining Boards.**

12. (1) Any Mining Board constituted under Section 10 and any Committee constituted under Section 11 may exercise such of the powers of an Inspector under this Act as it thinks necessary or expedient to exercise for the purpose of deciding or reporting upon any matter referred to it.

(2) Every Mining Board constituted under Section 10 and every Committee appointed under Section 11 shall have the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects; and every person required by any such Mining Board or Committee to furnish information before it shall be deemed to be legally bound to do so without in the meaning of Section 176 of the Penal Code.

#### **Recovery of expenses.**

13. The <sup>1</sup>[Central Government] may direct that the expenses of any inquiry conducted by a Mining Board constituted under Section 10 or by a Committee appointed under Section 11 shall be borne in whole or in part by the owner or agent of the mine concerned, and the amount so directed to be paid may, on application by the Chief Inspector or an Inspector to a Magistrate having jurisdiction at the place where the mine is situated or where such

<sup>1</sup> Subs. by the A. O. for "L. G."



owner or agent is for the time being resident, be recovered by the distress and sale of any moveable property within the limits of the Magistrate's jurisdiction belonging to such <sup>1</sup>[owner or agent].

#### CHAPTER IV.

### MINING OPERATIONS AND MANAGEMENT OF MINES.

#### Notice to be given of mining operations.

14. The owner, agent or manager of a mine shall, in the case of an existing mine within one month from the commencement of this Act, or, in the case of a new mine, within three months after the commencement of mining operations, give to the District Magistrate of the district in which the mine is situated notice in writing in such form and containing such particulars relating to the mine as may be prescribed.

#### Managers.

15. (1). Save as may be otherwise prescribed, every mine shall be under one manager who shall have the prescribed qualifications and shall be responsible for the control, management and direction of the mine, and the owner or agent of every mine shall appoint himself or some other person, having such qualifications, to be such manager.

(2) If any mine is worked without there being a manager for the mine as required by sub-section (1), the owner and agent shall each be deemed to have contravened the provisions of this Section.

#### Duties and responsibilities of owners, agents and managers.

16. (1). The owner, agent and manager of every mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of this Act and of the regulations, rules and by-laws and of any orders made thereunder.

(2) In the event of any contravention of any such

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<sup>1</sup> Subs. by the Repealing and Amending Act, 1925 (37 of 1925), s. 2 and Sch. I, for "owner, agent or manager."

provisions by any person whomsoever, the owner, agent and manager of the mine shall each be deemed also to be guilty of such contravention unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing those provisions, to prevent such contravention :

Provided that the owner or agent shall not be so deemed if he proves—

- (a) that he was not in the habit of taking, and did not in respect of the matter in question take, any part in the management of the mine ; and
- (b) that he had made all the financial and other provisions necessary to enable the manager to carry out his duties ; and
- (c) that the offence was committed without his knowledge, consent or connivance.

(3) Save as hereinbefore provided, it shall not be a defence in any proceedings brought against an owner or agent of a mine under this Section that a manager of the mine has been appointed in accordance with the provisions of this Act.

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## CHAPTER V.

### PROVISIONS AS TO HEALTH AND SAFETY.

#### Conservancy. .

17. There shall be provided and maintained for every mine latrine and urinal accommodation of such kind and on such scale, and such supply of water fit for drinking, as may be prescribed.

#### Medical appliances.

18. At every mine in respect of which the <sup>1</sup>[Central Government] may, by notification in the <sup>2</sup>[Official Gazette], declare this Section to apply, such supply of ambulances or stretchers and of splints, bandages and other medical requirements, as may be prescribed, shall be kept

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<sup>1</sup> Subs. by the A. O. for "L. G."

<sup>2</sup> Subs. by the A. O. for "local official Gazette."

ready at hand in a convenient place and in good and serviceable order.

**Powers of Inspectors when causes of danger not expressly provided against exist or when employment of persons is dangerous.**

19. (1) If, in any respect which is not provided against by any express provision of this Act or of the regulations, rules or bye-laws or of any orders made thereunder, it appears to the Chief Inspector or the Inspector that any mine, or any part thereof or any matter, thing or practice in or connected with the mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten, or tend to, the bodily injury of any person, he may give notice in writing thereof to the owner, agent or manager of the mine and shall state in the notice the particulars in which he considers the mine, or part thereof, or the matter, thing or practice, to be dangerous or defective and require the same to be remedied within such time as he may specify in the notice.

<sup>1</sup>[(1A) Without prejudice to the generality of the provisions contained in sub-section (1), the Chief Inspector or the Inspector may, in any area to which the <sup>2</sup>[Central Government] may by notification<sup>3</sup> in the <sup>4</sup>[Official Gazette] declare that this sub-section applies, by order in writing addressed to the owner, agent or manager of a mine,—

<sup>5</sup>[prohibit the extraction or reduction of pillars in any part of the mine if, in his opinion, such operation is likely to cause the crushing of pillars or the premature collapse of any part of the workings or

<sup>1</sup> Sub-section (1A) was ins. by the Indian Mines (Amendment) Act, 1936 (11 of 1936), s. 2. This sub-section shall have effect for two years only from the commencement of Act 11 of 1936—see *ibid.*, s. 2 (2).

<sup>2</sup> Subs. by the A. O. for "G. G. in C."

<sup>3</sup> For notification applying sub-section (1A) to Jheria Coal-field and Raniganj coal-field.

<sup>4</sup> Subs. by the A. O. for "Gazette of India".

see Gazette of India, 1936, Pt. I, p. 575 and G. of B. Gazette Part IV-A p. 122 of 21-2-37.

<sup>5</sup> The brackets and letter "(a)" at the beginning and the word "or" at the end of clause (a) and clause "(b) limit to such dimensions as he considers reasonable the galleries that may be driven in the mine", were deleted, vide G. of B. Gazette, Part IV, p. 283 of 25-4-40.

otherwise endanger the mine, or if, in his opinion, adequate provision against the outbreak of fire has not been made by providing for the sealing off and isolation of the part of the mine in which such operation is contemplated and for restricting the area that might be affected by a fire ;]

and the provisions of sub-section (3), (4), (5) and (6) shall apply to an order made under this sub-section as they apply to an order made under sub-section (2).]

(2) If the Chief Inspector or an Inspector authorised in this behalf by general or special order in writing by the Chief Inspector is of opinion that there is urgent and immediate danger to the life or safety of any person employed in any mine or part thereof, he may, by an order in writing containing a statement of the grounds of his opinion, prohibit, until the danger is removed, the employment in or about the mine or part thereof of any person whose employment is not in his opinion reasonably necessary for the purpose of removing the danger.

(3) Where an order has been made under sub-section (2) by an Inspector, the owner, agent or manager of the mine may, within ten days after the receipt of the order, appeal against the same to the Chief Inspector who may confirm, modify or cancel the order.

(4) The Chief Inspector or the Inspector making a requisition under sub-section (1) or an order under sub-section (2), and the Chief Inspector making an order (other than an order of cancellation) in appeal under sub-section (3), shall forthwith report the same to the <sup>1</sup>[Central Government] and shall inform the owner, agent or manager of the mine that such report has been so made.

(5) If the owner, agent or manager of the mine objects to a requisition made under sub-section (1) or to an order made by the Chief Inspector under sub-section (2), or sub-section (3), he may, within twenty days after the receipt of the notice containing the requisition or of the order or

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<sup>1</sup> Subs. by the A. O. for "L. G."

after the date of the decision of the appeal, as the case may be, send his objection in writing, stating the grounds thereof, to the <sup>1</sup>[Central Government], which shall refer the same to a Committee.

(6) Every requisition made under sub-section (1), or order made under sub-section (2), or sub-section (3) to which objection is made under sub-section (5), shall be complied with pending the receipt at the mine of the decision of the Committee :

Provided that the Committee may, on the application of the owner, agent or manager, suspend the operation of a requisition under sub-section (1) pending its decision on the objection.

(7) Nothing in this Section shall affect the powers of a Magistrate under Section 144 of the Code of Criminal Procedure, 1898.

#### Notice to be given of accidents.

<sup>2</sup>[20. (1)] When any accident occurs in or about a mine causing loss of life or serious bodily injury, or when an accidental explosion, ignition, outbreak of fire or irruption of water occurs in or about a mine, the owner, agent or manager of the mine shall give such notice of the occurrence to such authorities, and in such form, and within such time, as may be prescribed.

<sup>3</sup>[(2) The <sup>1</sup>[Central Government] may, by notification in the <sup>4</sup>[Official Gazette], direct that accidents other than those specified in sub-section (1) which cause bodily injury resulting in the enforced absence from work of the person injured for a period exceeding forty-eight hours shall be entered in a register in the prescribed form or shall be subject to the provisions of sub-section (1).

(3) A copy of the entries in the register referred to in sub-section (2) shall be sent by the owner, agent, or manager of the mine, within fourteen days after the 30th day of June

<sup>1</sup> Subs. by the A. O. for "L. C."

<sup>2</sup> The original s. 20 was re-numbered as sub-section (1) of that section by the Indian Mines (Amendment) Act, 1935 (5 of 1935), s. 4.

<sup>3</sup> Ins. by s. 4, *ibid.*

<sup>4</sup> Subs. by the A. O. for "local official Gazette".

and the 31st day of December in each year, to the Chief Inspector.]

**Power of Government to appoint court of inquiry in case of accidents.**

21. (1) When any accidental explosion, ignition, outbreak of fire or irruption of water or other accident has occurred in or about any mine, the <sup>1</sup>[Central Government], if it is of opinion that a formal inquiry into the causes of, and circumstances attending, the accident ought to be held, may appoint a competent person to hold such inquiry, and may also appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the inquiry.

(2) The person appointed to hold any such inquiry shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material object; and every person required by such person as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

(3) Any person holding an inquiry under this section may exercise such of the powers of an Inspector under this Act as he may think it necessary or expedient to exercise for the purposes of the inquiry.

(4) The person holding an inquiry under this section shall make a report to the <sup>1</sup>[Central Government] stating the causes of the accident and its circumstances, and adding any observations which he or any of the assessors may think fit to make.

**Publication of reports.**

22. The <sup>1</sup>[Central Government] may cause any report submitted by a Committee under Section 11, <sup>2</sup>[and shall cause every report submitted] by a court of inquiry under section 21, to be published at such time and in such manner as it may think fit.

<sup>1</sup> Subs. by the A. O. for "L. G."

<sup>2</sup> Subs. by the Indian Mines (Amendment) Act, 1935 (5 of 1935), s. for "or".

## CHAPTER VI.

## HOURS AND LIMITATION OF EMPLOYMENT

**Weekly day of rest.**

<sup>1</sup>[22A. No person shall be allowed to work in a mine on more than six days in any one week.

**Hours of work above ground.**

22B. (1) A person employed above ground in a mine shall not be allowed to work for more than fifty-four hours in any week or for more than ten hours in any day.

(2) The periods of work of any such person shall be so arranged that, along with his intervals for rest, they shall not in any day spread over more than twelve hours, and that he shall not work for more than six hours before he has had an interval for rest of at least one hour.

(3) Persons belonging to two or more relays shall not be allowed to do work of the same kind above ground at the same moment ;

Provided that for the purposes of this sub-section persons shall not be deemed to belong to separate relays by reason only of the fact that they receive their intervals for rest at different times.

**Hours of work below ground.**

22C. (1) A person employed below ground in a mine shall not be allowed to work for more than nine hours in any day.

(2) Work of the same kind shall not be carried on below ground in any mine for a period spreading over more than nine hours in any day except by a system of relays so arranged that the periods of work for each relay are not spread over more than nine hours.

(3) No person employed in a mine shall be allowed to be in any part of the mine below ground except during the periods of work shown in respect of him in the register kept under sub-section (1) of section 28.

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<sup>1</sup> Sections 22A to 22D were ins. by the Indian Mines (Amendment) Act, 1935 (5 of 1935), s. 6.

**Special provision for night relays.**

22D. Where a worker works in a relay whose period of work extends over midnight, the ensuing day for him shall be deemed to be the period of twenty-four hours beginning at the end of the period of work fixed for the relay, and the hours he has worked after midnight shall be counted towards the previous day.]

**Prohibition of employment of certain persons.**

<sup>1</sup>[23. No person shall be allowed to work in a mine who has already been working in any other mine within the preceding twelve hours.]

23A. [*Limitation of working hours.*] *Rep. by the Indian Mines (Amendment) Act, 1935 (V of 1935), s. 8.*

**Notices regarding hours of work.**

<sup>2</sup>[23B. (1) The manager of every mine shall cause to be posted outside the office of the mine a notice in the prescribed form stating the time of the commencement and of the end of work at the mine and, if it is proposed to work by a system of <sup>3</sup>[relays], the time of the commencement and of the end of work for each <sup>4</sup>[relay]. <sup>5</sup>[The notice shall also state the time of the commencement and of the end of the intervals for rest fixed for persons employed above ground.] A copy of each such notice shall be sent to the Chief Inspector, if he so requires.

(2) In the case of a mine at which mining operations commence after the 14th day of April, 1930, the notice referred to in sub-section (1) shall be posted not less than seven days before the commencement of work.

(3) Where it is proposed to make any alteration in the time fixed for the commencement or for the end of work in the mine generally or for any <sup>4</sup>[relay or in the rest intervals fixed for persons employed above ground], an amended notice in the prescribed form shall be posted outside the office of the mine not less than seven days before the change

<sup>1</sup> Subs. by the Indian Mines (Amendment) Act, 1935, (5 of 1935), s. 7, for the original section.

<sup>2</sup> Ins. by the Indian Mines (Amendment) Act, 1928 (13 of 1928), s. 3.

<sup>3</sup> Subs. by Act 5 of 1935, s. 9, for "shifts".

<sup>4</sup> Subs. by s. 9, *ibid.*, for "shift".

<sup>5</sup> Ins. by s. 9, *ibid.*



is made, and a copy of such notice shall be sent to the Chief Inspector not less than seven days before such change  
1\* \* \*.]

<sup>2</sup>[(4) No person shall be allowed to work in a mine otherwise than in accordance with the notice required by sub-section (1).]

#### **Supervising staff.**

24. Nothing in <sup>3</sup>[Section 22A, Section 22B, Section 22C, Section 23, or sub-section (4) of Section 22B] shall apply to persons who may by rules be defined to be persons holding positions of supervision or management or employed in a confidential capacity.

#### **Exemption from provisions regarding employment.**

25. In case of an emergency involving serious risk to the safety of the mine or of persons employed therein, the manager may, subject to the provisions of Section 19, permit persons to be employed in contravention of <sup>4</sup>[Section 22A, Section 22B, Section 22C, Section 23, or sub-section (4) of Section 23B] on such work as may be necessary to protect the safety of the mine or of the persons employed therein :

Provided that, where such occasion arises, a record of the fact shall immediately be made by the manager and shall be placed before the Chief Inspector or the Inspector at his next inspection of the mine.

#### **Children.**

26. No child shall be employed in a mine, or be allowed to be present in any part of a mine which is below ground.

#### **Young persons not to be allowed underground without certificates of fitness.**

<sup>5</sup>[26A. No person who has not completed his seven-

<sup>1</sup> The words "if he so requires or if the original notice was sent to him" rep. by Act 5 of 1935, s. 9.

<sup>2</sup> Ins. by s. 9, *ibid.*

<sup>3</sup> Subs. by s. 10 of the Indian Mines (Amendment) Act, 1935 (5 of 1935), for "s. 23 or s. 23A."

<sup>4</sup> Subs. by s. 11, *ibid.*, for "s. 23 or 23A."

<sup>5</sup> Ins. by s. 12, *ibid.*

teenth year shall be allowed to be present in any part of a mine which is below ground, unless—

- (a) a certificate of fitness in the prescribed form and granted to him by a qualified medical practitioner is in the custody of the manager of the mine, and
- (b) he carries while at work token giving a reference to such certificate.]

**Disputes as to age.**

27. (1) If any question arises between the Chief Inspector or the Inspector and the manager of any mine as to whether any person is a child <sup>1</sup>[or has not completed his seventeenth year], the question shall, in the absence of a certificate as to the age of such person granted in the prescribed manner, be referred by the Chief Inspector or the Inspector for decision to a qualified medical practitioner.

(2) Every certificate as to the age of a person which has been granted in the prescribed manner and any certificate granted by a qualified medical practitioner on a reference under sub-section (1) shall, for the purposes of this Act, be conclusive evidence as to the age of the person to whom it relates.

**Register of employees.**

<sup>2</sup>[28. (1) For every mine there shall be kept in the prescribed form and place a register of all persons employed in the mine showing, in respect of each such person,—

- (a) the nature of his employment,
- (b) the periods of work fixed for him,
- (c) the intervals for rest, if any, to which he is entitled,
- (d) the days of rest to which he is entitled, and
- (e) where work is carried on by a system of relays, the relay to which he belongs.

(2) The entries in the register prescribed by sub-section (1) shall be such that workers working in accordance

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<sup>1</sup> Ins. by s. 13 of the Indian Mines (Amendment) Act, 1935 (5 of 1935).  
<sup>2</sup> Subs. by s. 11, *ibid.* for the original section.

therewith would not be working in contravention of any of the provisions of this Chapter.

(3) No person shall be employed in a mine until the particulars required by sub-section (1) have been recorded in the register in respect of such person and no person shall be employed except during the periods of work shown in respect of him in the register.

(4) For every mine to which the <sup>1</sup>[Central Government] may, by general or special order, declare this sub-section to be applicable, there shall be kept in the prescribed form and place a register which shall show at any moment the name of every person then working below ground in the mine.]

## CHAPTER VII.

### REGULATIONS, RULES AND BYE-LAWS.

#### Power of Central Government to make regulations.

29. The <sup>2</sup>[Central Government] may, by notification in the <sup>3</sup>[Official Gazette], make regulations<sup>4</sup> consistent with this Act for all or any of the following purposes, namely :—

- (a) for prescribing the qualifications to be required by a person for appointment as Chief Inspector or Inspector ;
- (b) for prescribing and regulating the duties and powers of the Chief Inspector and of Inspectors in regard to the inspection of mines under this Act ;
- (c) for prescribing the duties of owners, agents and managers of mines and of persons acting under them ;
- (d) for prescribing the qualifications of managers of mines and of persons acting under them ;
- (e) for regulating the manner of ascertaining, by examination or otherwise, the qualifications of

<sup>1</sup> Subs. by the A. O. for "L. G."

<sup>2</sup> Subs. by the A. O. for "C. G. in C."

<sup>3</sup> Subs. by the A. O. for "Gazette of India."

<sup>4</sup> For the Indian Coal Mines Regulations, 1926, see Gazette of India, 1926, Pt. I, p. 965; for the Indian Metalliferous Mines Regulations, 1926, see *ibid.*, p. 1004; for the Indian Oil Mines Regulations, 1933, see *ibid.*, 1933, Pt. I, p. 1315; and for Regulations for prohibiting the employment of women underground in mines, see *ibid.*, 1937, Pt. I, p. 208.

managers of mines and persons acting under them, and the granting and renewal of certificates of competency ;

- (f) for fixing the fees, if any, to be paid in respect of such examinations and of the grant and renewal of such certificates ;
- (g) for determining the circumstances in which and the conditions subject to which it shall be lawful for more mines than one to be under a single manager, or for any mine or mines to be under a manager not having the prescribed qualifications ;
- (h) for providing for the making of inquiries into charges of misconduct or incompetency on the part of managers of mines and persons acting under them and for the suspension and cancellation of certificates of competency ; .
- (i) for regulating, subject to the provisions of the Indian Explosives Act, 1884, and of any rules made thereunder, the storage and use of explosives ;
- (j) for prohibiting, restricting or regulating the employment in mines or in any class of mines of women either below ground or on particular kinds of labour which are attended by danger to the life, safety or health of such women ;
- (k) for providing for the safety of the persons employed in a mine, their means of entrance thereinto and exist therefrom, the number of shafts or outlets to be furnished, and the fencing of shafts, pits, outlets, pathways and subsidences ;
- <sup>1</sup>(kk) for prohibiting the employment in a mine either as a manager or in any other specified capacity of any person except persons paid by the owner of the mines and directly answerable to the owner or manager of the mines ;
- (l) for providing for the safety of the roads and working places in mines, including the siting and maintenance of pillars and the maintenance of sufficient barriers between mine and mine ;

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<sup>1</sup> Ins. vide G. of B. Gazette, Part IV. p. 282 of 25-1-40.

- (m) for providing <sup>1</sup>[and regulating] for the ventilation of mines and the action to be taken in respect of dust and noxious gases ;
- (n) for providing for the care, and the regulation of the use, of all machinery and plant and of all electrical apparatus used for signalling purposes ;
- (o) for requiring and regulating the use of safety lamps in mines ;
- <sup>2</sup>[(p) for providing against explosions or ignitions or irruptions of or accumulations of water in mines and against danger arising therefrom, and for prohibiting, restricting or regulating the extraction of minerals in circumstances likely to result in or to aggravate irruptions of water or ignitions in mines ;]
- (q) for prescribing the notices of accidents and dangerous occurrences, and the notices, reports and returns of mineral output, persons employed and other matters provided for by regulations, to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to be contained in them, and the time within which they are to be submitted ;
- (r) for prescribing the plans to be kept by owners, agents and managers of mines and the manner and places in which such plans are to be kept for purposes of record ;
- (s) for regulating the procedure on the occurrence of accidents or accidental explosions or ignitions in or about mines ;
- (t) for prescribing the form of, and the particulars to be contained in, the notice to be given by the owner, agent or manager of a mine under Section 14 ; and

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<sup>1</sup> Ins. by the Indian Mines (Amendment) Act, 1936 (11 of 1936), s. 3.

<sup>2</sup> Subs. by s. 3, *ibid.*, for the original clause.

- (u) for prescribing the notice to be given by the owner, agent or manager of a mine before mining operations are commenced at or extended to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act, 1890, or of any public work or classes of public works which the <sup>1</sup>[Central Government] may, by general or special order, specify in this behalf.

**Power of Central Government to make rules.**

30. The <sup>1</sup>[Central Government] may, <sup>2</sup>\* \* \* by notification in the <sup>3</sup>[*Official Gazette*], make rules consistent with this Act for all or any of the following purposes, namely :—

- (a) for providing for the appointment of chairmen and members of Mining Boards, and for regulating the procedure of such Boards ;
- <sup>4</sup>[(aa) for prescribing the form of the register referred to in sub-section (2) of Section 20 ;]
- (b) for providing for the appointment of courts of inquiry under Section 21, for regulating the procedure and powers of such courts, for the payment of travelling allowance to the members, and for the recovery of the expenses of such courts from the manager, owner or agent of the mine concerned ;
- (c) for prescribing the scale of latrine and urinal accommodation to be provided at mines, the provision to be made for the supply of drinking-water, the supply and maintenance of medical appliances and comforts, <sup>5</sup>\* \* \* and the training of men in ambulance work ;
- <sup>6</sup>[(cc) for prescribing the forms of notices required under Section 23B, and for requiring such notices to be posted also in specified vernaculars ;]

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<sup>1</sup> Subs. by the A. O. for "L. G."

<sup>2</sup> The words "subject to the control of the G.C. in C." rep. by the A. O.

<sup>3</sup> Subs. by the A. O. for "local official Gazette".

<sup>4</sup> Ins. by the Indian Mines (Amendment) Act, 1935 (5 of 1935), s. 15.

<sup>5</sup> The words "the formation and training of rescue brigades" rep. by the Indian Mines (Amendment) Act, 1936 (11 of 1936), s. 4.

Ins. by the Indian Mines (Amendment) Act, 1928 (13 of 1928). s. 6.

- (d) for defining the persons who shall, for the purpose of Section 24, be deemed to be persons holding positions of supervision or management or employed in a confidential capacity ;
- (e) for prohibiting the employment in mines of persons or any class of persons who have not been certified by a qualified medical practitioner <sup>1</sup>[to have completed their fifteenth year], and for prescribing the manner and the circumstances in which such certificates may be granted and revoked ;
- <sup>2</sup>[(ee) for prescribing the form of the certificates of fitness required by Section 26A and the circumstances in which such certificates may be granted and revoked ;]
- (f) for prescribing the form of <sup>3</sup>[registers] required by Section 28 ;
- (g) for prescribing abstracts of this Act <sup>4</sup>[and of the regulations and rules] and the vernacular in which the abstracts and <sup>5</sup>\* \* \* bye-laws shall be posted as required by Sections 32 and 33 ;
- (h) for requiring the fencing of any mine or part of a mine whether the same is being worked or not, where such fencing is necessary for the protection of the public ;
- (i) for the protection from injury, in respect of any mine when the workings are discontinued, of property vested in His Majesty or any local authority or railway company as defined in the Indian Railways Act, 1890 ;
- (j) for requiring notices, returns and reports in connection with any matters dealt with by rules to be furnished by owners, agents and managers of mines, and for prescribing the forms of such notices, returns and reports, the persons and authorities to whom they are to be furnished, the particulars to

<sup>1</sup> Subs. by the Indian Mines (Amendment) Act, 1935 (5 of 1935), s. 15, for "to be more than thirteen years of age."

<sup>2</sup> Ins. by s. 15, *ibid.*

<sup>3</sup> Subs. by s. 15, *ibid.*, for "register".

<sup>4</sup> Ins. by the Repealing and Amending Act, 1925 (37 of 1925), s. 2 and Sch. I.

<sup>5</sup> The words "the regulations, rules and" rep. by s. 2 and Sch. I, *ibid.*

be contained in them, and the times within which they are to be submitted ; and

- (k) generally to provide for any matter not provided for by this Act or the regulations, provision for which is required in order to give effect to this Act.

**Power of Central Government to require rescue stations to be established.**

<sup>1</sup>[30A. The <sup>2</sup>[Central Government] may, by notification in the <sup>3</sup>[Official Gazette], make <sup>4</sup>[rules] under this Section—

- <sup>5</sup>[(a) requiring the establishment of central rescue *stations for groups of specified mines or for all mines in a specified area, and prescribing how and by whom such stations shall be established ;*
- (b) providing for the management of central rescue stations, and regulating the constitution, powers and functions of, and the conduct of business by, the authorities (which shall include representatives of the owners and managers of, and of miners employed in, the mines or groups of mines concerned) charged with such management ;
- (c) prescribing the position, equipment, control, maintenance and functions of central rescue stations ;
- (d) providing for the levy and collection of a duty of excise (at a rate not exceeding six pies per ton) on coke and coal produced in and despatched from mines specified under clause (a) in any group or included under clause (a) in any specified area, the utilisation of the proceeds thereof for the creation of a central rescue station fund for such group or area and the administration of such funds ;
- (e) providing for the formation, training, composition, and duties of rescue brigades ; and
- (f) providing generally for the conduct of rescue work in mines.]]

<sup>1</sup> Ins. by the Indian Mines (Amendment) Act, 1936 (11 of 1936), s. 5.

<sup>2</sup> Subs. by the A. O. for "G. G. in C."

<sup>3</sup> Subs. by the A. O. for "Gazette of India".

<sup>4</sup> Subs. by the Indian Mines (Amendment) Act, 1937 (29 of 1937), s. 4, for "regulations".

<sup>5</sup> Subs. by s. 4, *ibid.*, for the original clauses.



### Prior publication of regulations and rules.

31. (1) The power to make regulations and rules conferred by Section 29 <sup>1</sup>[30 and 30A] is subject to the condition of the regulations and rules being made after previous publication.

(2) The date to be specified in accordance with clause (3) of Section 23 of the General Clauses Act, 1897, as that after which a draft of regulations or rules proposed to be made will be taken under consideration, shall not be less than three months from the date on which the draft of the proposed regulations or rules is published for general information.

(3) Before the draft of any regulation <sup>2</sup>\* \* \* is published under this Section it shall be referred <sup>3</sup>\* \* \* to every Mining Board constituted in British India, <sup>4</sup>[which is, in the opinion of the <sup>5</sup>[Central Government], concerned with the subject dealt with by the regulation] <sup>6</sup>\* \* \* and the regulation <sup>7</sup>\* \* \* shall not be so published until each such Board has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions.

<sup>8</sup>[(3A) No rule shall be made unless the draft thereof has been referred to every Mining Board constituted <sup>9</sup>[in the part of British India affected by the rule], and unless each such Board has had a reasonable opportunity of reporting as to the expediency of making the same and as to the suitability of its provisions.]

(4) Regulations and rules shall be published in the <sup>10</sup>[Official Gazette] <sup>11</sup>\* \* \* and, on such publication shall have effect as if enacted in this Act. .

<sup>1</sup> Subs. by the Indian Mines (Amendment) Act, 1937 (29 of 1937), s. 5, for "and 30".

<sup>2</sup> The words "or rule" rep. by the Indian Mines (Amendment) Act, 1928 (13 of 1928), s. 7.

<sup>3</sup> The words "in the case of a regulation" rep. by s. 7, *ibid.*

<sup>4</sup> Ins. by the Indian Mines (Amendment) Act, 1935 (5 of 1935), s. 16.

<sup>5</sup> Subs. by the A. O. for "G. G. in C."

<sup>6</sup> The words "and in the case of a rule to every Mining Board constituted in the Province" rep. by the Indian Mines (Amendment) Act, 1928 (13 of 1928), s. 7.

<sup>7</sup> The words "or rule" rep. by s. 7, *ibid.*

<sup>8</sup> Ins. by s. 7, *ibid.*

<sup>9</sup> Subs. by the A. O. for "in the Province for which it is proposed to make the rule".

<sup>10</sup> Subs. by the A. O. for "Gazette of India".

<sup>11</sup> The words "and the local official Gazette, respectively" rep. by the A. O.

**Power to make regulations without previous publication.**

<sup>1</sup>[31A. Notwithstanding anything contained in sub-sections (1), (2) and (3) of Section 31, regulations under clause (i) and clauses (k) to (s) inclusive of Section 29 may be made without previous publication and without previous reference to Mining Boards, if the <sup>2</sup>[Central Government] is satisfied that for the prevention of apprehended danger or the speedy remedy of conditions likely to cause danger it is necessary in making such regulations to dispense with the delay that would result from such publication and reference :

Provided that any regulations so made shall not remain in force for more than two years from the making thereof.]

**Bye-laws.**

32. (1) The owner, agent or manager of a mine may, and shall, if called upon to do so by the Chief Inspector or Inspector, frame and submit to the Chief Inspector or Inspector a draft of such bye-laws, not being inconsistent with this Act or any regulations or rules for the time being in force, for the control and guidance of the persons acting in the management of, or employed in, the mine as such owner, agent or manager may deem necessary to prevent accidents and provide for the safety, convenience and discipline of the persons employed in the mine.

(2) If any such owner, agent or manager—

(a) fails to submit within two months a draft of bye-laws after being called upon to do so by the Chief Inspector or Inspector, or

(b) submits a draft of bye-laws which is not in the opinion of the Chief Inspector sufficient,

the Chief Inspector or Inspector may—

(i) propose a draft of such bye-laws as appear to him to be sufficient, or

(ii) propose such amendments in any draft submitted

<sup>1</sup> Ins. by the Indian Mines (Amendment) Act, 1936 (11 of 1936), s. 6. For instances of regulations made under this section, see Gazette of India, 1936, Pt. I, pp. 598 and 868 and Gazette of India, 1937, Pt. I, pp. 176 and 1333.

<sup>2</sup> Subs. by the A. O. for "C. G. in C."

to him by the owner, agent or manager as will, in his opinion, render it sufficient, and shall send such draft bye-laws or draft amendments to the owner, agent or manager, as the case may be, for consideration.

(3) If within a period of two months from the date on which any draft bye-laws or draft amendments are sent by the Chief Inspector or Inspector to the owner, agent or manager under the provisions of sub-section (2), the Chief Inspector or Inspector and the owner, agent or manager are unable to agree as to the terms of the bye-laws to be made under sub-section (1), the Chief Inspector or Inspector shall refer the draft bye-laws for settlement to the Mining Board or, where there is no Mining Board, to such officer or authority as the <sup>1</sup>[Central Government] may, by general or special order, appoint in this behalf.

(4) (a) When such draft bye-laws have been agreed to by the owner, agent or manager and the Chief Inspector or Inspector, or, when they are unable to agree, have been settled by the Mining Board or such officer or authority as aforesaid, a copy of the draft bye-laws shall be sent by the Chief Inspector or Inspector to the <sup>1</sup>[Central Government] for approval.

(b) The <sup>1</sup>[Central Government] may make such modifications of the draft bye-laws as it thinks fit.

(c) Before the <sup>1</sup>[Central Government] approves the draft bye-laws, whether with or without modifications, there shall be published, in such manner as the <sup>1</sup>[Central Government] may think best adapted for informing the persons affected, notice of the proposal to make the bye-laws and of the place where copies of the draft bye-laws may be obtained, and of time (which shall not be less than thirty days) within which any objections with reference to the draft bye-laws, made by or on behalf of persons affected should be sent to the <sup>1</sup>[Central Government].

(d) Every objection shall be in writing and shall state—

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<sup>1</sup> Subs. by the A. O. for "L. G."

- (i) the specific grounds of objection, and
- (ii) the omissions, additions or modifications asked for.

(e) The <sup>1</sup>[Central Government] shall consider any objection made within the required time by or on behalf of persons appearing to it to be affected, and may approve the bye-laws either in the form in which they were published or after making such amendments thereto as it thinks fit.

(5) The bye-laws, when so approved by the <sup>1</sup>[Central Government] shall have effect as if enacted in this Act, and the owner, agent or manager of the mine shall cause a copy of the bye-laws, in English and in such vernacular or vernaculars as may be prescribed, to be posted up in some conspicuous place at or near the mine, where the bye-laws may be conveniently read or seen by the persons employed; and, as often as the same become defaced, obliterated or destroyed, shall cause them to be renewed with all reasonable despatch.

(6) The <sup>1</sup>[Central Government] may, by order in writing, rescind, in whole or in part, any bye-law so made, and thereupon such bye-law shall cease to have effect accordingly.

#### Posting up of extracts from Act, regulations, etc.

33. There shall be kept posted up at or near every mine in English and in such vernacular or vernaculars as may be prescribed, the prescribed abstracts of the Act and of the regulations and rules.

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### CHAPTER VIII.

#### PENALTIES AND PROCEDURE.

##### Obstruction.

34. (1) Whoever obstructs the Chief Inspector, an Inspector or any person authorised under Section 7 in the discharge of his duties under this Act, or refuses or wilfully neglects to afford the Chief Inspector, an Inspector

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<sup>1</sup> Subs. by the A. O. for "L. G."

or such person any reasonable facility for making any entry, inspection, examination or inquiry authorised by or under this Act in relation to any mine, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever refuses to produce on the demand of the Chief Inspector or Inspector any registers or other documents kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe to be likely to prevent any person from appearing before or being examined by an inspecting officer acting in pursuance of his duties under this Act, shall be punishable with fine which may extend to three hundred rupees.

#### **Falsification of records, etc.**

##### **35. Whoever—**

- (a) counterfeits, or knowingly makes a false statement in, any certificate, or any official copy of a certificate, granted under this Act, or
- (b) knowingly uses as true any such counterfeit or false certificate, or
- (c) makes or produces or uses any false declaration, statement or evidence knowing the same to be false, for the purpose of obtaining for himself or for any other person a certificate, or the renewal of a certificate, under this Act, or any employment in a mine, or
- (d) falsifies any plan or register or record the maintenance of which is required by or under this Act, or
- (e) makes, gives or delivers any plan, return, notice, record or report containing a statement, entry or detail which is not to the best of his knowledge or belief true,

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

**Omission to furnish plans, etc.**

36. Any person who, without reasonable excuse the burden of proving which shall lie upon him, omits to make or furnish in the prescribed form or manner or at or within the prescribed time any plan, return, notice, register, record or report required by or under this Act to be made or furnished shall be punishable with fine which may extend to two hundred rupees.

**Contravention of provisions regarding employment of labour.**

37. Whoever, save as permitted by Section 25, contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder prohibiting, restricting or regulating the employment or presence of persons in or about a mine shall be punishable with fine which may extend to five hundred rupees.

**Notice of accidents.**

38. <sup>1</sup>[(1)] Whoever, in contravention of the provisions <sup>2</sup>[of sub-section (1)] of Section 20, fails to give notice of any accidental occurrence shall, if the occurrence results in serious bodily injury, be punishable with fine which may extend to five hundred rupees or, if the occurrence results in loss of life, be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or with both.

<sup>2</sup>[(2)] Whoever, in contravention of a direction made by the <sup>3</sup>[Central Government] under sub-section (2) of Section 20 fails to record in the prescribed register or to give notice of any accidental occurrence shall be punishable with fine which may extend to five hundred rupees.]

**Disobedience of orders.**

39. Whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder for the contravention of which no penalty is hereinbefore provided shall be punishable with fine which

<sup>1</sup> The original section 38 was renumbered as sub-section (1) of that section by the Indian Mines (Amendment) Act, 1935 (5 of 1935), s. 17.  
<sup>2</sup> Ins. by s. 17, *ibid.*  
<sup>3</sup> Subs. by the A. O. for "L. C."

may extend to one thousand rupees, and, in the case of a continuing contravention, with a further fine which may extend to one hundred rupees for every day on which the offender is proved to have persisted in the contravention after the date of the first conviction.

**Contravention of law with dangerous results.**

40. (1) Notwithstanding anything hereinbefore contained, whoever contravenes any provision of this Act or of any regulation, rule or bye-law or of any order made thereunder, shall be punishable, if such contravention results in loss of life, with imprisonment which may extend to one year, or with fine which may extend to two thousand rupees, or with both ; or, if such contravention results *in serious bodily injury, with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both ;* or, if such contravention otherwise causes injury or danger to workers or other persons in or about the mine, with imprisonment which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

(2) Where a person having been convicted under this Section is again convicted thereunder, he shall be punishable with double the punishment provided by sub-section (1).

(3) Any Court imposing, or confirming in appeal, revision or otherwise, a sentence of fine passed under this Section may, when passing judgment, order the whole or any part of the fine recovered to be paid as compensation to the person injured, or, in the case of his death, to his legal representative :

Provided that, if the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal has been presented, before the decision of the appeal.

**Prosecution of owner, agent or manager.**

41. No prosecution shall be instituted against any owner, agent or manager for any offence under this Act

except at the instance of the Chief Inspector or of the District Magistrate or of an Inspector authorised in this behalf by general or special order in writing by the Chief Inspector.

**Limitation of prosecutions.**

42. No Court shall take cognizance of any offence under this Act unless complaint thereof has been made within six months of the date on which the offence is alleged to have been committed.

**Cognizance of offences.**

43. No Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try any offence under this Act which is alleged to have been committed by any owner, agent or manager of a mine or any offence which is by this Act made punishable with imprisonment.

**Reference to Mining Board or Committee in lieu of prosecution in certain cases.**

44. (1) If the Court trying any case instituted at the instance of the Chief Inspector or of the District Magistrate or of an Inspector under this Act is of opinion that the case is one which should, in lieu of a prosecution, be referred to a Mining Board or a Committee, it may stay the criminal proceedings, and report the matter to the <sup>1</sup>[Central Government] with a view to such reference being made.

(2) On receipt of a report under sub-section (1), the <sup>1</sup>[Central Government] may refer the case to a Mining Board or a Committee, or may direct the Court to proceed with the trial.

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CHAPTER IX.

MISCELLANEOUS.

**Decision of question whether a mine is under this Act.**

45. If any question arises as to whether any excavation or working is a mine within the meaning of this Act,

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<sup>1</sup> Subs. by the A. O. for "L. G."



the <sup>1</sup>[Central Government] may decide the question, and a certificate signed by a Secretary to the <sup>1</sup>[Central Government] shall be conclusive on the point.

**Power to exempt from operation of Act.**

46. (1) The <sup>2</sup>[Central Government] may, by notification in the <sup>3</sup>[Official Gazette], exempt <sup>4</sup>[either absolutely or subject to any specified conditions] any local area or any mine or group or class of mines or any part of a mine or any class of persons from the operation of all or any specified provisions of this Act :

Provided that no local area or mine or group or class of mines shall be exempted from the provisions of Section 26 unless it is also exempted from the operation of all the other provisions of this Act.

**Power to alter or rescind orders.**

47. The <sup>2</sup>[Central Government] <sup>6</sup> may reverse or modify any order passed under this Act <sup>7</sup>.

**Application of Act to Crown mines.**

48. This Act shall apply to mines belonging to the Crown.

**Saving.**

49. No suit, prosecution or other legal proceeding whatever shall lie against any person for anything which is in good faith done or intended to be done under this Act.

50. [Repeals] Rep. by the Repealing Act, 1927 (XII of 1927), s. 2 and Sch.

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**THE SCHEDULE.**—[Enactments Repealed.] Rep. by the Repealing Act, 1927 (XII of 1927), s. 2 and Sch.

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<sup>1</sup> Subs. by the A.O. for "L.G."

<sup>2</sup> Subs. by the A.O. for "C.G. in C."

<sup>3</sup> Subs. by the A.O. for "Gazette of India".

<sup>4</sup> Ins. by the Indian Mines (Amendment) Act, 1935 (5 of 1935), s. 18

<sup>5</sup> Sub section (2) rep. by the A.O.

<sup>6</sup> The words "and every L.G." rep. by the A.O.

<sup>7</sup> The words "by any authority subject to his or its control, as the case may be" rep. by the A.O.

# The Indian Mines Act, 1923

## RULES, 1924

No. 10029.—In exercise of the powers conferred by section 30 of the Indian Mines Act, 1923 (IV of 1923), and in supersession of Government Notification No. 320, dated 12th January 1909, as subsequently amended, and of Government Notification No. 3329, dated 5th September 1911, the Governor in Council is pleased to make the following rules for the purpose of carrying into effect the provisions of the said Act, namely :—

### CHAPTER I

#### COURTS OF INQUIRY IN CASES OF ACCIDENTS

##### Appointment of Court of Inquiry under section 21

1. (1) The inquiry referred to in section 21 shall be held by a District Magistrate or a Sub-Divisional Magistrate and an assessor or assessors, if necessary, appointed by Government to hold such inquiry. The expenses of the inquiry shall be recoverable from the owner of the mine or mines in which the accident took place. The expenses shall include fees and travelling allowance to be paid to the assessors and the amount of travelling allowance shall, if necessary, be certified by the District or Sub-Divisional Magistrate holding the inquiry.

(2) Every assessor appointed by Government under sub-rule (1) to hold an inquiry under section 21 shall be given a fee not exceeding Rs. 50 per day in addition to the actual travelling expenses incurred by him.

### CHAPTER II

#### SANITARY AND HEALTH PROVISIONS

##### Representation of interests before Court of enquiry

1-A. A Court of enquiry appointed under section 22 of the Act, shall, subject to the power of such Court to disallow any question which, in its opinion, is not relevant or is otherwise not a proper question, permit the following persons to attend and examine any witness, either in person or by Counsel, Solicitor, Pleader or Agent, namely :—

- (i) a relative of any person whose death may have been caused by an accident with respect to which an enquiry is being held ;
- (ii) the owner, agent or manager of the mine in which the accident occurred ;

- (iii) any person appointed by an order in writing of the majority of workmen employed at the said mine, and
- (iv) any person appointed in writing by an association of workmen to which the deceased at the time of his death belonged, or by any association of employers of which the owner is a member, or by any association to which any official of or workmen employed in, the said mine belongs.

#### Supply of drinking water

2. At every mine a sufficient supply of wholesome drinking water shall be provided on the surface and, if the Local Government so directs, in the case of any mine or class of mines, also below ground at points reasonably accessible to the persons employed thereon. Drinking water shall in all cases be supplied to employees free of cost.

#### Underground workings and roads to be kept clean

3. At every mine where the Chief Inspector so directs arrangements shall be made for keeping all the underground workings and roads clean from *excreta*, and a sweeper or sweepers shall be appointed for the purpose.

#### Provision for latrines and urinal accommodation

4. (1) At every mine latrine and urinal accommodation shall be provided on the surface and, if the Governor in Council so directs in the case of any mine or class of mines, in the underground workings of the mine :

Provided that the Government may require that in lieu of latrines or urinals a certain area or areas may be marked off on the surface of the ground for use for this purpose.

(2) Every mine which has not been exempted under subsection (1) of section 46 shall be provided with latrine accommodation on the scale given below :—

	seats
Where the number of operatives does not exceed 20	.. 1
Where the number of operatives exceeds 20 but does not exceed 35	.. 2
Where the number of operatives exceeds 35 but does not exceed 50	.. 3
Where the number of operatives exceeds 50 but does not exceed 150	.. 4
Where the number of operatives exceeds 150 but does not exceed 200	.. 5
Where the number of operatives exceeds 200	.. 1
	seat for every
	50 or fraction of 50.

If females are employed, separate latrines screened from those of males and marked in the vernacular in conspicuous letters "for women only" shall be provided. Those for males shall be similarly marked "for men only."

**Construction of latrines**

5. Every latrine erected on the surface for the use of the work-people of a mine shall be so partitioned off as to secure privacy, and, if a latrine intended for the use of one sex adjoins a latrine intended for the use of the other sex, the approaches shall be separate.

**Latrines and urinals to be kept in sanitary condition**

6. All latrines and urinals in or about a mine shall be kept in a sanitary condition. Receptacles shall be cleaned daily, and tarred inside and out at least once a year.

CHAPTER III

**AMBULANCE AND FIRST-AID WORK**

**Training in ambulance work**

7. It shall be the duty of the owner, agent and manager of a mine to see that adequate arrangements are made for the training of men in ambulance work.

**Scale of persons trained in ambulance work**

8. In every mine in which fifty persons or more are employed during any period of 24 hours, one or more of the persons employed shall be trained in ambulance work according to the sub-joined scale to the standard of St. John's First Aid Certificate :—

Where the number of persons employed during any period of 24 hours—

- does not exceed 100, not less than one person,
- exceeds 100 but does not exceed 200, not less than two persons,
- exceeds 200 but does not exceed 300, not less than three persons,
- exceeds 300 but does not exceed 400, not less than four persons,
- exceeds 400 but does not exceed 500, not less than five persons,
- exceeds 500, one person for every completed hundred of persons employed.

**Medical appliances**

9. In or at every mine in respect of which section 18 of the Act applies, there shall be provided and kept in good condi-

tion and ready for immediate use at a convenient place on the surface and also, if the Chief Inspector or an Inspector so directs, in the case of any mine underground :—

- (a) a suitably constructed stretcher or stretchers, and
- (b) a box or boxes containing a sufficient supply of suitable splints and bandages, adhesive plaster, boric vaselene, cotton wool and tincture of iodine or other suitable antiseptic solution.

#### CHAPTER IV

### REGISTRATION OF WORKPEOPLE

#### Form of register of employees

10. The register required to be kept under Sub-section (1) of section 28 of the Act shall be maintained in the form of schedule A or in such other form to the like effect as the District Magistrate of the district, in which the mine is situate, may permit and shall be kept at the office of the mine or at such other place as the District Magistrate may direct.

#### Form of notice regarding hours of work

10A. The Notice required by section 23B (1) of the Act shall be in the form of Schedule (B) and shall be posted outside the office of the mine in English and in Vernacular of the district concerned.

#### Hours of employment : how to be reckoned

11. For the purposes of section 23 (a) read with section 23 (c) of the Act, all work of persons employed below ground shall be reckoned from the time such persons leave the surface of the mine to the time at which they finally return thereto at the end of the period of employment.

#### Supervising staff

12. The following persons shall be deemed to be persons holding positions of supervision or management, or employed in a confidential capacity, within the meaning of section 24 of the Act :—

- (a) any official in charge of any mine or part of a mine ;
- (b) mechanical engineers or engine-wrights or electricians;
- (c) surveyors ; and
- (d) clerks, accountants and time-keepers.

#### CHAPTER V

### SAFETY PROVISIONS

#### Fencing of dangerous places

13. Any place in or about an excavation which is dangerous shall be made safe or shall be kept securely fenced. Should any

doubt arise as to whether a place is dangerous or not, the opinion of an Inspector or of the District Magistrate shall be conclusive on the point.

**Fencing of dangerous places near a public road or a dwelling house**

14. Where an excavation, which is more than 10 feet deep and has been formed as the result of any mining operation, extends within fifty feet of a public road or dwelling house, substantial fencing shall be erected and maintained around the excavation adjacent to the road or dwelling.

**When surface area to be fenced**

15. Where as a result of mining operations a subsidence of the surface has taken place or is likely to take place, and persons are likely to be endangered thereby, the dangerous area shall be kept fenced on the surface.

**Fencing of mine when working thereof is discontinued**

16. In the case of any mine which is abandoned or the working of which is discontinued, the owner, agent, or manager shall be bound, before the mine is finally abandoned, or immediately after the working thereof has been discontinued, to cause the top or entrance of every shaft and opening into a mine to be fenced by a structure of a permanent character sufficient to prevent persons inadvertently falling into or entering the shafts or openings.

CHAPTER VI

MISCELLANEOUS

**Materials and appliances to be kept in stock**

17. Sufficient materials and appliances shall be kept in stock for the proper carrying out of all necessary operations in a manner consonant with the provisions of the Act, regulations, rules and bye-laws.

**Prohibition of use of intoxicating drink or drug at a mine**

18. No intoxicating drink or drug shall be kept or consumed in or at a mine without the consent of the manager, and no person in a state of intoxication shall enter or be allowed to remain in or about a mine.

**Plans, books, and copies of rules, etc., to be kept and produced on demand**

19. All plans and books which are required to be kept under the regulations, these rules and bye-laws and the prescribed abstract of the Indian Mines Act, 1923, and of the regulations, rules and bye-laws applicable to the mine shall be kept at an

office or other building as near as conveniently may be to and used in connection with the working of the mine, and shall be produced on the request of the Chief Inspector or an Inspector, or any person authorized in that behalf by the Local Government.

**Originals of reports how long to be maintained**

20. The originals, or true copies, of all reports made in conformity with the Act or with the regulations, rules or bye-laws shall be maintained at the mine for a period of twelve months after having been made.

**Posting up of extracts from Act, regulations etc.**

21. There shall be kept posted up at or near every mine in English and in such Vernacular or Vernaculars as the district Magistrate may prescribe, copies of sections 10-12, 14-16, 17-20, 22, 23-28 and 34-43 of the Indian Mines Act, 1923, of the rules under section 30, of the Indian Mines Act, 1923, made by the Local Government as amended from time to time and of the following abstract from the Indian Metalliferous Regulations, 1926, namely :—

**RETURNS, NOTICES AND RECORDS**

1. Annual returns in respect of the preceding year shall be submitted to the District Magistrate and to the Chief Inspector on or before the 21st day of January.

**Regulation 3.**

2. When a new mine is opened or a mine is re-opened after abandonment or discontinuance notices shall be sent in duplicate to the District Magistrate.

**Regulations 4 and 6.**

3. When a mine has been abandoned or discontinued or a change of ownership has taken place or a new appointment of an agent or manager has been made or a change of address occurs, notice of the same shall be sent to the Chief Inspector.

**Regulations, 5, 7 and 8.**

4. When the ownership of a mine is transferred, all mine plans, books and records shall be handed over to the new owner.

**Regulation 9.**

5. If it is intended to extend mining operations at or to any point with 50 yards of land acquired for a railway or for a public purpose, notices and plans shall be sent to the specified authorities.

**Regulations 10, 11 and 12.**

6. When any accident occurs in or about a mine causing loss of life or serious bodily injury, or when an accidental explosion, ignition, outbreak of fire or irruption of water occurs in or about a mine, the owner, agent or manager of the mine shall

forthwith inform the Chief Inspector by telephone or telegraph, and shall also, within twenty-four hours of the occurrence of such accident, explosion, ignition, outbreak or irruption send notice thereof in form IX to the District Magistrate or to the Sub-divisional Magistrate, who shall forward it to the Chief Inspector.

Regulation 13.

7. If death results from any injury already reported as serious under Regulation 13, the owner, agent or manager of the mine shall, within twenty-four hours of his being informed of the death, send notice thereof to the District Magistrate or to the Sub-divisional Magistrate, who shall forward it to the Chief Inspector.

Regulation 14.

**PLANS**

8. At every mine of gold, manganese, copper, lead, tin and wolfram and at such other mines or classes of mines as the Governor General in Council may, by notification in the *Gazette of India*, specify, a plan and section or sections shall be kept at the mine office showing all shafts, drives, crosscuts, winzes, rises, excavations (stoped ground), and any tunnels connected therewith. The plan shall also show the leasehold boundaries, the magnetic meridian with date, the general strike and dip of the veins or mineral deposits and the dislocations of the strata; also all important surface features within the boundaries such as railways, rivers, streams, roads and reservoirs which overlie any part of the workings or any point within 600 feet of any part of the mine workings. Mines in which the workings do not extend under the superjacent ground and mines in which excavation is being made for prospecting purposes only, are exempted from the provisions in respect of plans.

Regulations 15 and 16.

**MANAGEMENT**

9. An Inspection Book shall be kept at every mine in which Inspectors may record their observations. At the commencement of the book the name of the mine and the name and address of the owner, agent and manager of the mine shall be recorded.

Regulation 20.

10. The owner or agent of a mine shall appoint a competent person of not less than 21 years of age to be manager of the mine. One person may be appointed manager of more mines than one, provided that the size of such mines and the distance between them is not so great as to prevent him performing his duties thoroughly.



Where by reason of absence or for any other reason the manager is unable to perform his duties, the owner, agent or manager shall authorise in writing a competent person to act as manager of the mine for a period not exceeding one month and shall, without delay, send a written notice to the Chief Inspector stating the reason for the authorization, and the qualifications and experience of the person so authorised.

Regulation 21.

### SHAFTS AND OUTLETS

11. Where any part of a mine is so situated that there is any danger whatever of an irruption of surface water into the mine adequate protection against such an irruption shall be provided and maintained.

Regulation 22.

12. At every mine where more than 20 persons are employed underground there shall be at least two shafts or outlets, not nearer to one another than 20 feet, affording separate means of ingress and egress to all persons employed in the mine.

Proper arrangements shall be made for persons to descend to, and ascend from, the mine at each of such shafts or outlets, and, if apparatus is necessary, it shall be kept constantly available for use.

Regulation 23.

13. Adequate stationary lights shall be provided and used during working hours :—

(1) at all places where persons have to work underground in the immediate vicinity of shafts ;

(2) after dark at the tops of all working shafts and at all winding engines used for raising and lowering persons.

### RAISING AND LOWERING PERSONS OR MATERIALS

14. At shafts where persons are lowered or raised by mechanical power the winding apparatus shall be provided with :—

(a) one or more breaks on the drum shaft of sufficient power to hold the loaded cage, skip or bucket at any point in the shaft ;

(b) a proper depth indicator if the shaft exceeds 100 feet in depth ;

(c) guides, if the shaft exceeds 150 feet in depth ;

(d) flanges or horns on the drum to prevent the rope slipping.

Cages shall be provided with tub-catches, rigid gates and hand bars and shall be covered in completely at the top and

closed in at sides sufficiently to prevent persons or things projecting beyond the sides.

A single linked chain shall not be used for lowering or raising persons in any working shaft or plane except for a short coupling chain.

15. Every working shaft exceeding 150 feet in depth and used for drawing mineral or for lowering or raising persons, shall be provided with proper means of signalling between the shaft bottom and the surface and every mid-inset and the surface and also from the top of the shaft to the winding engine. All signals shall be transmitted by mechanical or electrical means.

The first three or principal signals shall be :—

- One rap or bell .. RAISE when engine at rest.
- One rap or bell .. STOP when engine in motion.
- Two raps or bells .. LOWER.
- Three raps or bells .. Men ready to ascend or descend.
- Three raps or bells .. IN REPLY. Men may enter the cage or other conveyance.

16. The manager, or a competent person or persons appointed by the manager, shall, once at least in every twenty-four hours, examine the state of the external parts of the machinery, and of the head-gear, ropes, chains, cages, guides and conductors, in the shaft and other similar appliances which are in actual use, both underground and above ground, and, if more than 20 persons are employed in the mine simultaneously, shall without delay write or cause to be written in a paged book a full and accurate report of the result of such examination.

Regulation 24.

17. No minerals, tubs or materials shall be wound while persons are being wound in the same shaft whether in the same cage or not.

Regulations 26 and 27.

18. Every windlass, whim or whip in use at a shaft or winze shall be provided with a stopper, lynch peg or other reliable holder.

Regulation 29.

19. The bucket, skip or any wagon in the cage shall not be filled up to such height that any of the contents can fall out, and the bottom of the cage shall be kept clean.

Regulation 30.

20. When tools, wood, etc., with ends projecting over the top of the cage, skip or bucket are being lowered or hoisted, the projecting ends shall be securely fastened to the rope or bow.

Regulation 31.

21. Not more than such number of persons as may be authorised by the manager shall be allowed to ride in the same cage, tub, skip or bucket at one time, and a notice specifying the authorized number shall be posted at the top of every shaft and at every inset in a shaft.

Regulation 32.

22. At the top of every incline on which the haulage, not being endless rope or endless chain haulage, is worked by mechanical power or gravity there shall be stop-blocks or other similar contrivances to prevent wagons from running away. Additional stop-blocks or runaway switches, or some other appliance for arresting or derailing the descent wagons in the event of a runaway, shall be fixed below the first stop-blocks at a greater distance than the length of a train of wagons. There shall also be provided and attached behind the ascending wagon or train of wagons a backstay, drag or other suitable contrivance for preventing the wagon or wagons from running back.

Regulation 35.

#### MINE WORKINGS

23. In open workings the sides shall be properly sloped, stepped or secured and trees, overburden and all loose ground and material, shall be removed from the edge, or otherwise secured, in order to prevent danger to persons employed in the mine.

Regulations 38, 39 and 40.

24. The roofs and sides of all travelling roads and working places shall be made and kept secure.

Regulation 41.

25. Where the ground is not safe, all shafts in use shall be made secure with suitable timber-work or other means of support.

Regulation 42.

26. A competent person or persons appointed by the Manager shall inspect, at least once in every shift, every part of the mine in or through which any person has to work or pass, for the purpose of ascertaining the condition thereof as far as ventilation, roof, sides and general safety are concerned, and shall, once at least in every week, inspect all shafts by which persons ascend and descend. If more than 20 persons are employed in the mine simultaneously a written report of such inspection shall be made without delay in a book kept at the mine for the purpose.

Regulation 43.

No person shall be appointed to carry out the foregoing inspection unless he has attained the age of 21 years and has had sufficient practical experience of the working of mines.

Regulation 21 (4).

27. Every place where work is carried on or when men are stationed or pass shall be placed under the charge of a competent person appointed by the manager or underground manager.

Regulation 44.

28. If a working place or travelling road is found to be unsafe, all persons shall be withdrawn from the dangerous area and all access to the place, except for the purpose of removing the danger or saving life, shall be prevented by securely fencing off all entrances.

Regulation 45.

29. The top and all entrances between the top and bottom of shafts, winzes, shoots or sliding holes and any openings into a stope more than 10 feet deep below a drive and other dangerous openings, shall be provided with a permanent or removable barrier in order to prevent persons or things from falling into them. When a shaft, winze, rise or stope leads directly into a travelling road or place where persons are stationed at work, the traffic at such points shall be protected against danger from anything falling from above.

Regulation 46.

30. At every shaft station where it is necessary for persons to pass from one side of the shaft to the other, provision shall be made enabling them to do so without entering or crossing a compartment.

Regulation 47.

31. All ladders, ladderways, platforms, doors, fences and other appliances and things in use underground shall be maintained in proper repair. Temporary ladders, platforms or other means of climbing or keeping a footing while at work shall be provided in sinks, winzes, rises, stopes and other places where they are needed.

Regulation 48.

32. Where any working is approaching any place containing or likely to contain a dangerous accumulation of water, the working shall not exceed six feet in width or height, and boreholes shall be made and kept a sufficient distance in advance of the face to prevent danger from inundation.

Regulation 49.

33. The ventilation in every mine shall be sufficient to clear away smoke and dilute and render harmless inflammable and noxious gases, so that shafts and workings of the mine shall be in a fit state for working or passing.

Regulation 50.

34. After underground workings, shafts, sumps or winzes have been in disuse for some time, a thorough examination shall be made before workmen are re-admitted.

Regulation 51.

**LADDERWAYS**

35. In ladder-shafts making an angle of 25 degrees or less with the vertical, platforms shall be provided at intervals not exceeding 35 feet and the ladders shall be placed so as to cover the openings in the platforms. Ladders shall be fixed at an inclination of not less than one foot horizontal to every 10 feet vertical.

Regulation 54.

36. In ladder-shafts where the slope is less than 65 degrees and more than 30 degrees with the horizontal, platforms shall be placed at intervals of not more than 55 along the underlie or slope of the shaft.

Regulation 55.

37. All platforms shall be securely fenced.

Regulation 56.

38. All ladders shall be securely fastened to the sides or timbering of the shafts.

Regulation 57.

39. All ladders shall project at least three feet above the shaft-top and above every platform, or strong holdfasts shall be provided at these places in convenient positions.

Regulation 58.

40. If a ladderway is a compartment of a shaft which is used also for other purposes, it shall be closed off from the other compartments.

Regulation 59.

41. Every ladderway-opening in any travelling road or place where men are stationed or pass shall be provided with a door or with a substantial fence.

Regulation 60.

**EXPLOSIVES**

42. Explosives shall not be taken into or kept in a dwelling house, but only in a properly constructed magazine.

Regulation 63.

43. Explosives shall be issued only to competent persons appointed in writing and the names of such persons shall be recorded in a book to be kept for the purpose. No unauthorized person shall have explosives in his possession.

Regulation 64.

44. Detonators shall be kept in a securely locked box separate from any other explosive, and no detonator shall be inserted into a priming cartridge until immediately before it is to be used.

Regulation 67.

45. All blasting operations shall be conducted by or under the personal direction of duly competent persons, not less than

18 years of age, appointed by the manager, underground manager or foreman. The names of these persons shall be registered in a book to be kept for the purpose.

Regulation 71.

46. The number of shots fired, the quantity of explosives used and the number of shots (if any) which have misfired shall be recorded daily in a book to be kept for the purpose.

Regulation 73.

47. All unused explosives shall be returned to the magazine without delay.

Regulation 74.

48. No explosive shall be taken into a mine except in a secure case, canister or bag containing not more than five pounds.

Regulation 75.

49. When explosives are being carried on a ladder, each case, canister or bag shall be securely fastened to the person carrying it.

Regulation 76.

50. No person shall use an iron or steel tool for charging or stemming a hole, and no explosive shall be forcibly pressed into a hole.

Regulation 78.

51. Before a shot is fired in an underground working place warning shall be given to persons in the vicinity, and every entrance to the place where the shot is about to be fired shall be guarded.

When two underground working places have approached to within 10 feet of one another, no blasting shall be done in any one of such workings unless the workmen have been withdrawn from the other working, and the same has been fenced.

Regulation 79.

52. In open workings due warning shall be given by an efficient system of signals before blasting is commenced and when it is finished.

Regulation 79 (2).

53. When a misfire occurs in a working place, no person shall re-enter such place until 30 minutes after blasting, unless the shot has been fired electrically when the interval shall be not less than 10 minutes.

Regulation 80.

54. After a shot has been fired in an underground working place the person who fired the shot or a competent person appointed in writing by the manager of the mine shall, before any other person enters the place, make a careful examination and with his assistants make the place safe. No other person shall

enter the place until the examination has been made and the place has been declared to be safe in all respects.

Regulation 81.

55. When a hole has been charged, the explosives shall not be unrammed and no hole shall be bored at a distance of less than 12 inches from any hole where a charge has misfired.

Regulations 82 and 84.

### WORKMEN

56. No person shall get on or off a cage, skip, tub or bucket used for lowering or raising persons after the same has been set in motion, or leave it until it has reached the appointed stopping place ; nor shall any person ride on the top or edge of any cage, skip, bucket or box except when engaged upon work in the shaft.

Regulation 25.

57. Every person, when at or about the top or bottom of a shaft, shall obey the orders and directions of the shaft attendants.

Regulation 28.

58. Where wagons are moved by hand no person shall permit a wagon to run uncontrolled.

Regulation 36.

59. No person shall ride upon any tub, truck or wagon either underground or above ground without the permission of the manager.

Regulation 37.

60. Every person shall carry a light where stationary lights are not provided underground.

Regulation 52.

61. No person shall work in any place other than a place in which he has been ordered to work.

Regulation 53.

62. No person shall carry any drill, tool or any loose material on any ladderway in a vertical or steeply inclined shaft or winze except on a ladderway to a stope.

Regulation 61.

63. No person shall deepen or tamper with empty holes or sockets left after blasting.

Regulation 82.

64. Every person shall strictly comply with all lawful orders issued by the manager.

Regulation 89.

65. No person shall damage, destroy or improperly interfere with anything provided for or used in the working of the mine.

Regulation 92.

LABOUR AND FACTORY LEGISLATION

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66. No person shall remove or pass through any fence or remove or pass any danger signal, unless specially authorised to do so.

67. Every fly-wheel

MISCELLANEOUS

Regulation 93.

**MISCELLANEOUS**  
1 and all

**MISCELLANEOUS**

67. Every fly-wheel and all exposed and dangerous parts of the machinery shall be kept securely fenced.

68. Efficient guards shall be provided for all moving machinery and any electric apparatus.

Regulation 87.  
h parts

68. Efficient guards shall be provided for such parts of any machinery and any electrical conductors as may be a source of danger.

Regulation 86.

Copies of extracts, regulations, etc., not to be injured or defaced

22. No person shall pull down, injure or damage the Indian Mines Act, 1923, or any bye-laws made thereunder.

22. No person shall pull down, injure or deface any abstract of the Indian Mines Act, 1923, or any copy of the regulations, rules or bye-laws made thereunder or of any abstract thereof which is posted up at any mine or any notice posted up in pursuance of the regulations of the mine.

**SCHEDULE A**

**SCHEDULE A**  
**REGISTER OF EMPLOYEES**  
28 (1) of the I...

REGISTER OF EMPLOYEES  
Section 28 (1) of the Indian Mines Act, 1923  
(See Rule 10.)

Name of mine

Name of owner \_\_\_\_\_

[illegible]



## LABOUR AND FACTORY LEGISLATION

Employed			Period of work		Rest interval	
under-ground	in open workings	on surface	From	To	From	To
7	7	9	10		11	

Days of rest	No. of relay	Remarks
12	13	14

## SCHEDULE B

NOTICE OF COMMENCEMENT AND END OF WORK OR OF  
RELAYS AND OF INTERVAL FOR REST

Section 23-B (1) of the Indian Mines Act, 1923

(See Rule 10-A.)

Name of mine

Name of owner

# LABOUR AND FACTORY LEGISLATION

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It is hereby declared that persons employed in this mine shall begin their  $\frac{\text{work}^*}{\text{relay}}$ , shall enjoy the interval for rest, and shall end their  $\frac{\text{work}^*}{\text{relay}}$  between hours set out below :—

Occupation 1	Hours of $\frac{\text{work}}{\text{first relay}}$		
	2	3	4
	Interval for rest		
	Work begins	Begins	Work ends
	A.M.*	A.M.*	A.M.*
	P.M.	P.M.	P.M.

Hours of second relay, if any		
5	6	7
	Interval for rest	
Work begins	Begins	Ends
A.M.*	A.M.*	A.M.*
P.M.	P.M.	P.M.

Hours of third relay, if any		
8	9	10
	Interval for rest	
Work begins	Begins	Ends
A.M.*	A.M.*	A.M.*
P.M.	P.M.	P.M.

Dated

19 .

Manager.

\*The words and letters not required should be scored out.

Note—The work of persons employed below ground is to be reckoned from the time such persons leave the surface of the mine to the time when they finally return thereto at the end of the work or of the relay.

# Indian Mines Act, 1923

## INDIAN COAL MINES REGULATIONS, 1926.

No. M.—1055 (1), dated Simla, The 7th September 1926.

In exercise of the powers conferred by section 29 of the Indian Mines Act, 1923 (IV of 1923), and in supersession of the rules published with the notifications noted below and of all notifications amending those rules, the Governor General in Council is pleased to make the following regulations, the same having been required by sub-section (1) of section 31 of the said Act, namely :—

- (1) Government of India, Department of Revenue and Agriculture Notification No. 864-68-20\*, dated the 10th March 1901.
- (2) Government of India, Department of Commerce and Industry Notification No. 2068-82, dated the 21st April 1900.
- (3) Government of India, Department of Commerce and Industry Notification No. 11793-163 dated the 30th December 1908.
- (4) Government of India, Department of Industries and Labour Notification No. M.-498 dated the 14th April 1924.

1. (1) These regulations may be called the Indian Coal Mines Regulations, 1926.

(2) They extend to the whole of British India, including Berar, and every reference herein to British India shall be construed as including a reference to Berar.

(3) They shall apply only in respect of coal mines.

2. In these regulations, unless there is anything repugnant in the subject or context :—

- (a) 'the Act' means the Indian Mines Act, 1923 ;
- (b) 'approved safety lamp,' 'approved flame safety lamp' and 'approved electric torch' mean, respectively, a safety lamp, a flame safety lamp or an electric torch manufactured by such firm and of such type as the Chief Inspector may from time to time specify by notification in the Gazette of India, and includes any other safety lamp or electric torch approved by the Chief Inspector by an order in writing ;
- (c) 'the District Magistrate,' in relation to any mine, means the District Magistrate of the district in which the mine is situated :

Provided that in the case of a mine which is situated partly in one district and partly in another, the District Magistrate for the purposes of these regulations shall be the District Magistrate authorised in this behalf by the Central Government ;

(d) 'Form' means a Form as set out in Schedule I ;

(e) 'Permitted Explosive' means an explosive permitted by the Chief Inspector under such definition and sub-

- ject to such conditions as he may from time to time lay down by notification in the Gazette of India ;  
 (f) 'ventilating distirct' means such part of a mine as has an independent intake airway commencing from a main intake airway, and an independent return airway terminating at a main return airway.

CHAPTER I

RETURNS, NOTICES AND RECORDS

3. (1) On or before the tenth day of every month, the owner, agent or manager of every mine shall send to the Chief Inspector a correct return in Form I of all raisings and despatches during the preceding calendar month.  
 (2) On or before the twenty-first day of January in each year the owner, agent or manager of every mine shall forward to the District Magistrate and to the Chief Inspector, annual returns in respect of the preceding year in Forms II, III, IV, V, VI, VI and VIII.

(3) If any mine is abandoned or the working of any mine has been discontinued over a period exceeding three months or if a change occurs in the ownership of any mine, the returns required by sub-regulation (2) shall be submitted within one month from the date of abandonment or change of ownership or within four months from the date of discontinuance :  
 Provided that the Chief Inspector may by order in writing extend the period for the submission of such returns up to any date not later than the twenty-first day of January in the year following that to which they relate :  
 Provided further that nothing in this sub-regulation shall be deemed to authorise submission of any return later than the twenty-first day of January in the year following that to which it relates.

- (4) On or before the first day of March in each year the owner, agent or manager of every mine shall forward to the Chief Inspector in duplicate a return in Form II-A, duly filled in. The figures given in the return shall relate to that day on which the number of persons attending work was highest during such week in February of that year as is selected in advance by the Chief Inspector.  
 4. The notice required by section 14 of the Act shall be furnished in duplicate, and shall specify the name and situation of the mine, the names and addresses of the owner and the manager, and, in the case of a new mine, the date on which it was opened. The District Magistrate shall on receipt of the notice forward one copy thereof to the Chief Inspector.

5. When a mine or seam has been abandoned, or the working thereof has been discontinued over a period exceeding two months, the owner of the mine shall, within one month after the abandonment or within seven days after the expiry of the said period, as the case may be, send to the Chief Inspector notice in writing specifying the name and situation of the mine, the name and address of the owner, and the date and cause of the abandonment or discontinuance.

6. When a mine or seam is re-opened after abandonment or discontinuance, the owner, agent or manager shall, within one month after the date of the re-opening, send to the District Magistrate notice in writing in duplicate specifying the name and situation of the mine, the names and addresses of the owner and the manager, and the date of the re-opening. The District Magistrate shall on receipt of the notice forward one copy thereof to the Chief Inspector.

7. When a change occurs in the name of, or in the ownership of, a mine, notice in writing of the change and of the date thereof shall be sent by the owner, agent or manager to the Chief Inspector within one month from the date of the change.

8. When any new appointment is made of an agent or manager of a mine, or any change of address of any agent or manager occurs, notice of the appointment or change and of the date thereof shall be sent by the owner, agent or manager to the Chief Inspector within one month from the date of the appointment or change.

9. When the ownership of a mine is transferred, the previous owner or his agent or manager shall make over to the new owner all plans, books and other records required to be kept under the Act, and all correspondence relevant to the working of the mine with the Department of Mines and other Government departments.

10. If the owner, agent or manager of any mine intends to conduct or extend any mining operations under his control at or to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act, 1890, or of any public work in respect of which this regulation is applicable by reason of any general or special order of the Central Government under clause (u) of section 29 of the Act, he shall, not less than sixty days before commencing such operations, give notice of his intention to the Chief Inspector and also, in the case of a railway, to the Railway Administration concerned, or, in the case of any such public work as aforesaid, to such authority as the Central Government may by general or special order direct.

" 10-A. If in any mine it is intended to conduct or extend the extraction or reduction of pillars at or to any point within 50

yards of any Railway subject to the provisions of the Indian Railways Act, 1890, the owner, agent or the Manager of the Mine shall, not less than 60 days before commencing such operations, give notice of such intention to the Chief Inspector and also to the Railway Administration concerned."

11. If the operations in respect of which notice is given under regulation 10 or 10A are not commenced within twelve months from the expiry of the period of sixty days therein referred to, the notice shall be held to have lapsed and the provisions of that regulation shall apply as if no such notice had been given.

12. The notice to be given under regulation 10 or 10A shall specify the position of the workings of the mine in relation to the railway or public work in question, the manner in which it is proposed to carry out the intended new operations, and the limits to which it is proposed to carry the said operations, and shall include a plan showing the existing and the intended mining operations in so far as they affect the railway or public work in question.

13. When any accident occurs in or about a mine causing loss of life or serious bodily injury, or when an accidental explosion, ignition, outbreak of fire or smoke, or other indication of outbreak of fire or an influx of noxious gases or irruption of water occurs in or about a mine, the owner, agent or manager of the mine shall forthwith inform the Inspector by telephone or telegraph, and shall also, within twenty-four hours of any such occurrence send notice thereof in Form IX to the District Magistrate, or to the Sub-Divisional Magistrate, who shall forward it to the Chief Inspector.

14. If death results from any injury already reported as serious under regulation 13, the owner, agent or manager of the mine shall, within twenty four hours of his being informed of the death, send notice thereof to the District Magistrate or to the Sub-Divisional Magistrate, who shall forward it to the Chief Inspector.

## CHAPTER II

### PLANS

15. (1) All plans prepared in accordance with the provisions of this Chapter shall—

- (a) bear the name of the mine and of the owner ;
- (b) show the scale together with the magnetic meridian and the date of the latter ;
- (c) be properly inked on durable paper, or on tracing cloth; and

- (d) be on a scale of 100 feet to the inch :

Provided that where plans have been prepared on any other scale before the passing of these regulations, the Chief Inspector may on application by the owner, agent or manager permit such plans to be maintained on that scale

(2) The owner, agent or manager of every mine shall keep a plan of the workings of the mine. The position of the workings at the time of the last survey shall be shown by a dotted line drawn through the ends of the workings ; such dotted line shall be marked with the date of the last survey. The plan shall also show all shaft and incline openings, all groves, the boundaries of the underground leasehold, where possible, and all important features within the boundaries, such as railways, roads, rivers, streams, tanks, buildings and reservoirs which overlie any part of the workings measured on the horizontal plane ; also the general direction and rate of dip of the strata, the depth of every shaft, a section of the seam being worked and the position of all faults and dykes with the amount and direction of their throw. There shall be a separate section of each seam.

(3) The owner, agent or manager of every mine shall also keep a separate tracing of a surface plan showing all surface features referred to in sub-regulation (2), and in addition all buildings and erections on the surface and within the boundaries which over-lie the workings of the mine or any point within 600 feet of the workings measured on the horizontal plane.

(3A) (i) The owner, agent or manager of every mine shall also keep separate plan showing the system of ventilation in the mine, and, in particular, the general direction of the air currents, the points where the quantity of air is measured and the principal devices for the regulation and distribution of the air. So far as practicable the intake airways shall be coloured blue and the return airways red.

(ii) The positions of any underground ambulance stations and telephones shall be indicated on the plan.

(iii) The Code of signs set out in Schedule II shall be utilised in plans made under this sub-regulation.

(4) The plans required by this regulation shall be kept in the office at the mine. They shall be accurate and shall be maintained up to a date within six months ; provided that where any mine or seam is abandoned or the working thereof has been discontinued the plan shall, before such abandonment or immediately after such discontinuance, be brought up to date to the time of abandonment or discontinuance, as the case may be, unless such abandonment or discontinuance has

been caused by circumstances beyond the control of the owner, agent or manager, in which case the fact that the plan is not up to date shall be recorded on it.

(5) Nothing in this regulation shall be deemed to apply to any mine in which the workings do not extend under the superjacent ground, or to any mine in which excavation is being made for prospecting purposes only :

Provided that the Chief Inspector may direct that the regulation shall apply to any such mine to such extent as he may think fit.

10. The owner, agent or manager of every mine shall at any time on the request of the Chief Inspector or of any Inspector produce to him at the office at the mine such plans and sections, and also, on the like request, mark on such plans and sections the then state of the workings of the mine ; and the Chief Inspector or Inspector shall be entitled to examine the plans and sections, and for official purposes to make or have a copy made of any part thereof respectively.

17. Where any mine or seam is abandoned, or the working thereof has been discontinued over a period exceeding one year, the person who was the owner of the mine at the time of the abandonment or discontinuance shall, within three months after the abandonment or within fifteen months after the discontinuance of working, as the case may be, send to the Chief Inspector accurate plans and sections of the workings of the mine or seam up to the time of the abandonment or discontinuance, showing the pillars of coal remaining unworked and all other features required in compliance with these regulations, or a true and accurate copy of the same :

Provided that if a change of ownership occurs after the abandonment or discontinuance and before the expiry of the three months or the fifteen months aforesaid, as the case may be, such plans and sections shall be sent forthwith.

18. After the expiry of ten years from the date of abandonment or discontinuance of working in any mine or seam or, where the consent of the owner of the mine for the time being has been obtained, prior to the expiry of the said period, the Chief Inspector may, on such conditions as he thinks fit to impose, permit any person having an interest in the said mine or seam to inspect the plan or section of such mine or seam sent to him in accordance with the provisions of regulation 17 ; and he may further, on such conditions as he thinks fit to impose, supply to any such person copies of the like plan or section.

19. The Central Government may direct that after such date and in such areas as it may appoint in this behalf the plans required to be kept under regulation 15 or to be sent under



regulation 17 shall be prepared by or under the supervision of a surveyor who has been granted a surveyor's certificate under these regulations.

### CHAPTER III

#### MINE OFFICIALS

20. For the purposes of this chapter every system of underground workings interconnected in such a manner that communication is practicable from any one part of the system to any other part by means of underground channels shall be deemed to constitute one mine. If access from one system of underground workings to another such system is not so practicable, each such system shall be deemed to constitute a separate mine.

21. A duly qualified manager may be permitted by order in writing of the Chief Inspector to manage more than one mine, if the Chief Inspector is of opinion that the mines supervised by him are sufficiently near to one another to permit of effective supervision being exercised, and that an adequate subordinate supervising staff is maintained at each mine. The Chief Inspector may at any time, by order in writing, revoke any such permission and such order shall be final.

22. Save as provided by regulation 21 no person shall act as manager of more than one mine.

"22A. No person shall be employed in a mine as manager unless he is paid by, and is directly answerable to, the owner of the Mine."

23. Save as hereinafter provided in regulation 24—

- (a) no person shall act as manager of a mine, the average monthly output of which exceeds 2,500 tons, unless he holds a first class manager's certificate granted under these regulations ;
- (b) no person shall act as manager of a mine, the average monthly output of which exceeds 600 tons, unless he holds a first or second class manager's certificate granted under these regulations ; and
- (c) no person shall act as the manager of a mine, the average monthly output of which does not exceed 600 tons, unless he holds a first or second class manager's certificate or a manager's permit granted under these regulations :

Provided that the Chief Inspector may, by order in writing, direct that in the case of any such mine as is referred to in clause (b) the manager thereof shall be the holder of a first class manager's certificate granted under these regulations, and that

in the case of any such mine as is referred to in clause (c) the manager thereof shall be the holder of a first or second class manager's certificate granted under these regulations :

Provided further that an appeal from any order passed by the Chief Inspector under the foregoing proviso shall lie to the Mining Board constituted under section 10 of the Act or, if no Mining Board has been so constituted for the part of British India in which the mine or part of the mine is situated to the Central Government and the order of the Mining Board or of the Central Government thereon shall be final.

24. (1) The Chief Inspector may, by order in writing, authorise any person, whom he may consider competent, to act as manager of any mine or mines for a specified period, notwithstanding that such person does not possess the qualifications prescribed in that behalf by regulation 23 ; and may by a like order revoke any such authority at any time and such order shall be final.

(2) In every mine personal supervision shall be exercised by the manager.

(3) Where by reason of absence or for any other reason the manager is unable to exercise personal supervision the owner, agent or manager shall authorise in writing a person whom he considers competent to act as manager of the mine : Provided that :—

(a) such person holds a manager's certificate or a sirdar's certificate ;

(b) no such authorisation shall have effect for a period in excess of one month except with the previous consent of the Chief Inspector ; nor without the like consent shall a second authorisation be made to take effect upon the expiry of the first ;

(c) the owner, agent or manager, as the case may be, shall send to the Chief Inspector with the least possible delay, a written notice intimating that such an authorization has been made, and stating the reason for the authorization, the qualifications and experience of the person authorised and the dates of the commencement and ending of the authorization ; and

(d) the Chief Inspector may by order in writing revoke any authority so granted, and such order shall be final.

"24A. (1) The manager of every mine shall ensure that a sufficient supply of proper materials and appliances for the purpose of carrying out the provisions of the Act and of the regulations, rules and bye-laws made thereunder and ensuing the safety of the mine and the persons employed therein, is always provided at the mine, and, if he be not the owner or agent of

the mine, he shall report in writing to the owner or agent of the mine when anything is required for the aforesaid purposes that is not within the scope of his authority to order.

(2) A copy of every report made under sub-regulation (1) shall be kept in the office at the mine."

25. (1) The manager of every mine shall appoint in writing such number of competent persons, as will be sufficient to secure a thorough supervision of all the operations in the mine and the enforcement of the requirements of the Act and of the regulations, rules and bye-laws made thereunder. Copies of all appointments made by the manager shall be kept in the office at the mine. No person shall be appointed under this regulation unless he is paid by the owner of the mine and is directly answerable to the manager of the mine.

"(2) Copies of all appointments made under sub-regulation 1 and all authorisations made under these regulations shall be entered in a bound paged book kept in the office at the mine.

(3) Every manager shall on appointment satisfy himself that all persons already appointed under sub-regulation (1) or authorised under these regulations to discharge any functions are competent to perform the duties assigned to them."

26. Every person employed under ground in a mine as an official subordinate to the manager and superior to the underground sirdar shall hold either a manager's certificate or sirdar's certificate granted under these regulations :

\* \* \* \* \*

27. With effect from such date and in such areas<sup>2</sup> as the Central Government may notify in the *Gazette of India* no person shall be employed as surveyor in a mine unless he holds a surveyor's certificate granted under these regulations.

28. No person shall be employed as a winding engine man unless he has attained the age of 21 years ; and the manager or some competent person appointed by the manager for the purpose shall, before appointing any such person, satisfy himself that such person is competent to perform the duties assigned to him.

#### CHAPTER IV CERTIFICATES OF COMPETENCY, PERMITS AND AUTHORISATIONS

29. (1) There shall be constituted a Board of Examiners for the purposes of these regulations, which shall consist of the Chief Inspector, who shall be the Chairman of the Board, and of

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<sup>1</sup> Vide G. of B. Gaz. Part I, p. 1126 of 23/5/29.

<sup>2</sup> Ibid.

three Members possessing technical qualifications fitting them to serve on the Board, who shall be appointed by the Central Government for a term of three years :

Provided that on the expiry of any term for which he has been appointed, any Member shall be eligible for re-appointment.

(2) A Member of the Board of Examiners (other than the Chairman) shall receive such remuneration as the Governor General in Council may fix.

30. (1) Certificates under these regulations shall be granted by the Board of Examiners and all decisions of the Board regarding the grant of such certificates shall be final.

(2) Certificates granted by the Board shall be valid throughout British India, and shall be of the following kinds :—

- (a) first and second class certificates of competency to manage a mine (in these regulations referred to as managers' certificates) ;
- (b) certificates of competency to survey the workings of a mine (in these regulations referred to as surveyors' certificates) ;
- (c) certificates of competency to make the inspection hereinafter required by regulation 70 (in these regulations referred to as sirdars' certificates).
- (d) certificates of competency to fire shots in a mine (in these regulations referred to as shot-firers' certificates).

31. (1) Certificates shall be granted to candidates after such examination and in such form as the Board of Examiners may prescribe.

(2) The examinations shall be held at such times and at such centres as may be fixed by the Board, and shall be conducted by local examiners who shall be appointed by the Board.

(3) The local examiners so appointed shall be subject to the orders of the Board in respect of all matters relative to the conduct of the examinations, and shall receive such remuneration as the Board, with the sanction of the Central Government may fix.

(4) The Board may make rules as to the conduct of the examinations ; and shall, so far as may be practicable, provide that the standard of knowledge requisite for the grant of certificates of any particular class shall be uniform throughout British India.

(5) Every rule made by the Board under this regulation shall be published in the *Gazette of India* and, no such rule shall have effect until six months from the date on which it was first so published.

32. Full information regarding the date and place of each examination for managers' and surveyors' certificates shall be published under the orders of the Board of Examiners in such publications and at such intervals as the Board may direct, during

a period of not less than three months prior to the date fixed by the Board for receiving applications.

33. No person shall be admitted as a candidate at any examination for a manager's certificate unless he has gained a First Aid Certificate of the St. John Ambulance Association or other Society or Body approved by the Government of India :

Provided that if any candidate satisfies the Board of Examiners that he has not had sufficient opportunity to obtain such a certificate, the Board may admit him to the examination on such conditions, if any, as it thinks fit to impose.

34. No person shall be admitted as a candidate at any examination for a first class manager's certificate unless he has attained the age of 23 years, and has satisfied the Board of Examiners that he has had practical experience in a coal mine for a period of not less than five years :

Provided that this period shall be reduced to three years in the case of a candidate who has received a diploma or certificate in scientific and mining training after a course of study of at least two years at an educational institution approved in this behalf by the Central Government or who has taken a degree in scientific and mining subjects at a University approved in this behalf by the Central Government.

35. No person shall be admitted as a candidate at any examination for a second class manager's certificate unless he has attained the age of 21 years, and has satisfied the Board of Examiners that he has had practical experience in a coal mine for a period of not less than three years :

Provided that this period shall be reduced to two years in the case of a candidate who has received a diploma or certificate in scientific and mining training after a course of study of at least two years at an educational institution approved in this behalf by the Central Government, or who has taken a degree in scientific and mining subjects at a University approved in this behalf by the Central Government.

36. The periods of practical experience in a coal mine prescribed in regulations 34 and 35 may, subject to such conditions as the Board of Examiners thinks fit, be reduced at the discretion of the Board in the case of a candidate part of whose experience has been obtained in mines other than coal mines.

37. The nature of the practical experience required of a candidate under regulations 34 and 35 shall be experience gained in one or other of the following capacities in a coal mine, namely :

- (a) as an underground workman having direct practical experience in the work of getting coal, and of stone work, timbering and repairing ;

- (b) as a sirdar, deputy, overman, foreman, assistant or undermanager, or other underground official ;
- (c) as a mining apprentice, mine surveyor or colliery engineer, whose practical experience has included—

- (i) actual practical work (other than the work of mine surveying or colliery engineering) of not less than two years in the case of candidates for first class certificates, and of not less than one year in the case of candidates for second class certificates, in any part of the underground workings of a coal mine, or
- (ii) direct supervision of such work during a like period.

38. No person shall be admitted as a candidate at any examination for a surveyor's certificate unless he has attained the age of 21 years and has satisfied the Board of Examiners that he has had two years' practical experience of surveying, of which at least six months shall have been practical experience of surveying the underground workings of a mine.

**Explanation**

For the purposes of this regulation approved attendance at classes in theoretical and practical surveying at a technical institution approved in this behalf by the Board of Examiners shall be considered to be practical experience of surveying other than practical experience of surveying the underground working of a mine.

39. No person shall be admitted as a candidate at any examination for a sirdar's certificate unless he has attained the age of 21 years, and has satisfied the Board of Examiners that he has had practical experience in a coal mine for a period of not less than three years :

Provided that this period shall be reduced to one year in the case of a candidate who has received a diploma or certificate in scientific and mining training after a course of study of at least two years at an educational institution approved in this behalf by the Central Government or who has taken a degree in scientific and mining subjects at a University approved in this behalf by the Central Government.

"39-A. No person shall be admitted as a candidate at any examination for a shot-firer's certificate unless he has attained the age of 21 years and has satisfied the Board of Examiners that he has had two years' practical experience of underground work in a coal mine of which at least six months shall have been practical experience in connection with shot-firing.

40. Examinations for sirdars' certificates shall be conducted orally in English or in the vernacular language of the district in which the examination is held and shall be designed to test the candidate's knowledge of the following subjects, namely :—

- (a) timbering,
- (b) methods of examination of the roof and sides of working places and travelling roads,
- (c) shot-firing as detailed in clause (a) of regulation 40-A,
- (d) mine gases and ventilation,
- (e) the provisions of the regulations, rules and bye-laws under the Act relating to the safety of persons employed in mines,
- (f) in the case of candidates for the endorsement referred to in the proviso to sub-regulation (1) of regulation 71, the methods of testing for and detecting the presence of inflammable gas.

40-A. Examinations for shot-firers' certificates shall be conducted orally in English or in the vernacular language of the district in which the examination is held and shall be designed to test the candidate's knowledge of the following subjects, namely :—

- (a) the charging and firing of shots of gunpowder and high explosives ;
- (b) the provisions of the regulations, rules and bye-laws under the Act relating to the handling and use of explosives ; and
- (c) the examination of a working place after shot-firing.

41. Applications for admission to an examination for first or second class managers' or surveyors' certificates shall be made to the Chief Inspector not less than one month prior to the date fixed for the examination. Every such application shall be submitted on a form which shall be supplied free of charge by the Chief Inspector on application made in this behalf.

42. (1) Applications for admission to an examination shall be chargeable with fees which shall be paid in the manner prescribed in regulation 158 according to the following scale, namely :

(a)	in the case of an examination for a first class manager's certificate	Rs.	
	.. ..		25
(b)	in the case of an examination for a second class manager's certificate	.. ..	15
(c)	in the case of an examination for a surveyor's certificate	.. ..	15
(d)	in the case of an examination for a sirdar's certificate	.. ..	5
(e)	in the case of an examination for a shot-firer's certificate	.. ..	1

" (2) The amount of any fee referred to in sub-regulation (1) less the following amounts shall be returnable to the person by whom it has been paid if the application of such person for admission to the examination is rejected :—

- (a) annas eight in the case of the fee paid for admission to an examination for shot-firer's certificate ;
- (b) Re. 1 in the case of the fee paid for admission to an examination for a sirdar's certificate ;
- (c) Rs. 5 in any other case.

" (3) The Chief Inspector may permit the refund—

- (a) of the amount of any fee paid under sub-regulation (1) where the candidate has died before the examination or where the fee has been erroneously paid, and
- (b) of any amount paid in excess of that specified in sub-regulation (1)."

43. (1) The Board of Examiners may grant without examination to any person holding a manager's certificate or a surveyor's certificate or a certificate equivalent to a sirdar's certificate granted under any Act for the regulation of mines for the time being in force in the United Kingdom, or in any other part of His Majesty's dominions, a certificate of a similar class under these regulations, and may grant to any person holding a certificate of proficiency in mining or surveying, who satisfies the Board that he possesses the requisite knowledge and experience and that he is of good character, a manager's certificate under these regulations :

(2) The following fees shall be chargeable in respect of applications for certificates to be issued under this regulation :

- (a) in the case of a manager's or surveyor's certificate .. .. . 5
- (b) in the case of a sirdar's certificate .. .. . 2

The fee shall be paid in the manner prescribed in regulation 153.

44. If any person proves to the satisfaction of the Board of Examiners that he has without any fault on his part lost or been deprived of a certificate granted to him under these regulations, the Board may, upon such terms and conditions as it thinks fit, cause a copy of the certificate to be delivered to him. The word "duplicate" shall be stamped across every such copy, and the following fees shall be payable in the manner prescribed in regulation 153 :—

- (a) in the case of a manager's or surveyor's certificate .. .. . 2 0 0
- (b) in the case of a sirdar's certificate .. .. . 1 0 0
- (c) in the case of a shot-firer's certificate .. .. . 0 8 0

45. The Chief Inspector shall issue to every person to whom the Board of Examiners grants a sirdar's certificate or shot-firer's certificate a metal check marked with the registered number of the certificate.

46. (1) The person to whom such metal check is issued



shall, so long as the corresponding certificate remains in force, retain such check in his immediate possession, and shall not transfer it or dispose of it in any way. In the event of the corresponding certificate being cancelled, the check shall be returned to the Chief Inspector.

(2) No person employed in a mine other than the holder of the corresponding certificate for the time being in force shall be in possession of a metal check issued under regulation 45.

(3) If any person proves to the satisfaction of the Chief Inspector that he has without any fault on his part lost or been deprived of the metal check issued to him under regulation 45, the Chief Inspector may, upon such terms and conditions as he may determine, cause a second metal check bearing and registered number of his certificate to be delivered to him. The letter "D" shall be stamped on the reverse of every such check and a fee of four annas shall be payable in advance to the Chief Inspector in respect thereof.

47. (1) The holder of a sirdar's certificate or a shot-firer's certificate shall deliver such certificate to the owner, agent, or manager of any mine in which he is for the time being employed, and such owner, agent, or manager shall in exchange for the certificate deliver a receipt for the same to the holder, and shall retain the certificate so long as the holder thereof is employed in such mine, and shall return it to the holder on his ceasing to be so employed.

(2) The owner, agent, or manager of any mine shall, on the demand of an Inspector, produce any sirdar's certificate or shot-firer's certificate held by a person employed in the mine.

48. If at any time a representation is made by the Chief Inspector to the Central Government that the holder of a manager's certificate or of a surveyor's certificate has been guilty of misconduct or incompetency in the discharge of his duties, or has been convicted of any offence made punishable by the Act with fine which may extend to Rs. 500 or more, or with imprisonment which may extend to three months or more, the Central Government may cause an inquiry to be made into the matter : and with respect to such inquiry the following provisions shall have effect, namely :—

(a) The inquiry shall be public, and shall be held at such place as the Central Government may appoint, and by such person or uneven number of persons as it may direct (hereinafter in this regulation referred to as the Court), either alone or with the assistance of any assessor or assessors appointed by the Central Government. Such assessors shall be practical mining engineers or persons with a knowledge of the practical work-

ing of mines. The functions of the assessors shall be purely advisory and they shall not be regarded as members of the Court.

- (b) The Central Government shall, before the commencement of the inquiry, furnish the person whose conduct is under inquiry with a copy of the representation on which the inquiry is instituted.
- (c) The Central Government may appoint any person to undertake the management of the case.
- (d) The person whose conduct is under inquiry may attend the inquiry, and may either conduct his case personally or be represented by any other person approved by the Court.
- (e) If a majority of the persons constituting the Court thinks fit, the person whose conduct is under inquiry may be required to deliver up his certificate at any time before or during the inquiry, and such person shall be bound to comply with such requisition unless he shows sufficient cause to the contrary.
- (f) The Court shall, on the conclusion of the inquiry, send to the Central Government a report containing a full statement of the case together with its opinion thereon and such account of or extracts from the evidence as it may think fit, and if it considers that the certificate in question should be cancelled or suspended it shall add a recommendation to that effect. In the event of disagreement between the members composing any Court, the dissentient or dissentients from the opinion of the majority may forward a separate report to the Central Government with a statement of their recommendations.
- (g) After considering the report or reports and the recommendations (if any) submitted under clause (f), the Central Government may cancel or suspend the certificate, and, if it does so, the fact of such cancellation or suspension shall, if the certificate is produced, be endorsed upon it, and, if it is not produced or if at any time a duplicate has been granted under regulation 44, be notified in the Gazette of India.

59. If, in the opinion of an Inspector, a person to whom a sirdar's certificate or shot-firer's certificate has been granted is guilty of misconduct or incompetence in the discharge of his duties, the Inspector may suspend the certificate. Every such suspension shall be reported forthwith to the Board of Examiners and the Board shall thereupon, after such inquiry as it thinks fit, either remove or extend the suspension or cancel the certificate, and the decision of the Board shall be final.

50. (1) A permit (in these regulations referred to as a manager's permit) may be granted by the Chief Inspector at his discretion to any person authorising such person to act as the manager of any specified mine the average monthly output of which does not exceed 600 tons.

(2) All such permits shall be signed by the Chief Inspector and shall be valid for such period not exceeding one year as he may specify therein.

(3) A fee of five rupees shall be payable in the manner prescribed in regulation 153, in respect of an application for the grant of a manager's permit.

(4) The Chief Inspector may at any time renew any manager's permit for a further period not exceeding one year, notwithstanding that such permit has already been so renewed. No fee shall be chargeable in respect of any such renewal.

(5) A manager's permit may be cancelled at any time by the Chief Inspector by order in writing without assigning any reason for such cancellation and such order shall be final.

(6) Notwithstanding anything hereinbefore contained no manager's permit shall be granted or renewed to any person who is not the holder of a sirdar's certificate.

51. A register showing the names and addresses of all holders of certificates or permits granted under these regulations and all cancellations of such certificates or permits shall be maintained in the office of the Chief Inspector.

52. Any certificate, permit or authorisation specified in the first column of the table below which has been issued under the Indian Mines Act, 1941, or under any rule made thereunder and is valid at the commencement of these regulations, shall for the purposes of the Act and these regulations, be deemed respectively to be the equivalent of the certificate, permit or authorisation specified in the corresponding entry in the second column of the table and to have been issued under these regulations.

Manager's certificate of competency, First class.	}	Manager's Certificate, First class.
Manager's service certificate of competency, First class.		
Manager's certificate of competency, Second class.	}	Manager's certificate, Second class.
Manager's service certificate of competency, Second class.		
Manager's certificate of competency	...	Sirdar's certificate.
Permit to manage a mine	...	Manager's permit.
Authorisation to act as Manager of a mine.	...	Authorisation to act as Manager of a mine.

CHAPTER V

SHAFTS AND OUTLETS

53. (1) No person shall be employed, or be permitted to enter or remain for purposes of employment, in any mine, unless the mine is provided with at least two shafts or outlets—

- (a) with which every seam for the time being at work has a communication so as to afford separate means of ingress and egress to the persons employed in the seam ; and
- (b) which are under the sole control of the manager of the mine.

(2) Proper arrangements shall be made for persons to descend to, and ascend from, the mine at each of such shafts or outlets. If apparatus is necessary, it shall be kept on the works belonging to the mine, and shall be constantly available for use.

(3) Such shafts or outlets shall be not less than 45 feet distant from one another at any point, and each shall be connected with the other by means of a communication not less than 4 feet high and 4 feet wide.

(4) Whenever communication between the two outlets which are required to be maintained under sub-regulation (1) has been blocked, or fenced off under regulation 140(1), only such persons as are necessary to clear the obstruction, or to repair the dangerous part of the communication or to make a new second outlet, shall be employed in the mine until such time as communication has been re-established or a new second outlet has been provided.

(5) The foregoing provisions of this regulation with respect to shafts and outlets shall not apply—

- (i) while a shaft is being sunk or an outlet is being made,
- (ii) to any working for the purpose of making communication between two or more shafts or outlets,
- (iii) to any working for the sole purpose of searching for or proving minerals,

so long as not more than 40 persons are employed under ground at any one time in the whole of the different seams in connection with a single shaft or outlet :

Provided that nothing in this sub-regulation shall be deemed to authorise the driving of ordinary galleries for development before a second outlet has been made in accordance with the said provisions.

(6) The Chief Inspector may exempt from the operation of this regulation, subject to such conditions as he may impose, any mine in the case of which special difficulties exist which in his

opinion make compliance with the provisions of this regulation not reasonably practicable.

(7) So much of this regulation as requires two shafts or outlets to be separated by a distance of not less than 45 feet shall not apply to any shafts the sinking of which was commenced before the 10th day of March 1904.

54. Where the natural strata are not safe, every working or pumping shaft and every shaft in course of being sunk, shall be securely cased, lined or otherwise made secure.

55. Every part of a mine shall, where practicable, be provided with at least two ways affording means of egress to the surface.

56. Where it is necessary for persons to pass from one side of a winding shaft to the other, proper provision shall be made enabling them to do so without crossing the shaft.

57. A competent person or persons, of not less than 21 years of age, appointed by the manager for the purpose shall, once at least in every week, examine the state of the shafts by which persons ascend or descend, and shall without delay write or cause to be written a full and accurate report of the result of such examination. Every such report shall be recorded in a paged book to be kept at the mine for the purpose, and shall be signed and dated by the person who made the examination.

## CHAPTER VI

### RAISING AND LOWERING PERSONS OR MATERIALS

58. At every shaft or incline where persons or materials are lowered or raised by means of machinery the following provisions shall have effect, namely :—

- (a) A single linked chain shall not be used for lowering or raising persons, except for the short coupling chain attached to a cage, skip, bucket or tub.
- (b) Where the apparatus ordinarily used for raising and lowering persons to or from the surface is worked by mechanical power, it shall, if the shaft is vertical and exceeds 150 feet in depth, be provided with a detaching hook. The space between the detaching hook and the detaching plate when the case is at the normal position at the top of the shaft shall not be less than 6 feet where a geared winding engine is used, and not less than 12 feet where a direct acting engine is used.
- (c) There shall be attached to every machine worked by mechanical power, and used for raising and lowering persons, one or more brakes of sufficient power by themselves to hold the cage, skip, bucket or tub, when

loaded, at any point in the shaft, and a proper indicator (in addition to any mark on the rope) showing to the person who works the machine the position of the cage, skip, bucket or tub in the shaft; and, if the drum is not on the crank shaft, there shall be an adequate brake on the drum shaft:

Provided that in the case of a shaft not exceeding 100 feet in depth so much of this clause as requires an indicator shall not apply.

(d) Every apparatus on or in which persons ride in a working shaft, shall be provided with a sufficient cover overhead, except—

(i) in a shaft not exceeding 150 feet in depth where buckets or other appliances are used for winding, or

(ii) in a shaft in course of sinking, or

(iii) where persons are employed at work in a shaft.

(e) Every working shaft used for the purpose of drawing mineral or for lowering or raising persons shall, if exceeding 150 feet in depth, be provided with proper means of communicating distinct and definite signals from the bottom of the shaft, and from every entrance for the time being in use between the surface and the bottom of the shaft, to the surface, and from the surface to the bottom of the shaft and to every entrance for the time being in use between the surface and the bottom of the shaft. There shall also be proper means of transmitting distinct and definite signals from the top of every winding shaft to the winding engine. All signals shall be transmitted by mechanical or electrical means.

(f) (i) The first three or principal signals shall be—

One rap	.. RAISE when engine at rest.
One rap	.. STOP when engine in motion.
Two raps	.. LOWER.
Three raps	.. MEN ready to ascend or descend.
Three raps	.. IN REPLY. Men may enter the cage or other conveyance.

(ii) Any other signals shall be in addition to, and shall not interfere with, the foregoing.

(iii) A printed copy of the code of shaft signals shall be posted at the shaft top, and at every inset, and also at the winding engine.

(iv) No person other than the banksman or onsetter shall give any signal unless he is an official of the mine

or is authorised in writing by the manager to give signals.

- (g) Every working shaft (except a shaft in course of sinking) used for lowering or raising persons shall, if it exceeds 150 feet in depth, be provided with guides.
- (h) At the bottom of every working shaft in which a cage is used, protective roofing shall be provided sufficient to prevent danger from anything falling in the shaft.
- (i) Adequate stationary lights shall be provided and used during working hours—
  - (1) at all places where persons have to work under ground in the immediate vicinity of shafts, and
  - (2) after dark at the tops of all working shafts and at all winding engines used for raising and lowering persons, and in particular at all such engines, where electric lighting is used, an additional light having no connection with the electric supply shall be kept burning at night.
- (j) There shall be on the drum of every machine used for lowering or raising persons such flanges, horns or other appliances as may be sufficient to prevent the rope from slipping. The rope shall be securely fastened round an arm or the shaft of the drum, and there shall be at least two turns of the rope on the drum when the cage, skip, bucket or tub is at the bottom of the shaft. After any stoppage of winding for more than two hours, the cage, skip, bucket or tub shall, before any person is allowed to ride therein, be run a complete trip up and down the working portion of the shaft at least once, to ensure that everything is in good working order.
- (k) Every cage shall be provided with catches or some other suitable contrivance to prevent tubs from falling out, and shall, if used for lowering or raising persons, be covered in completely at the top and close in at the two sides in a manner sufficient to prevent persons or things from projecting beyond the sides, and shall be provided with suitable gates or other rigid fences and with a rigid hand bar fixed in a position where it can be easily reached by all persons in the cage.
- (l) A competent person or persons, of not less than 21 years of age, appointed by the manager for the purpose shall, once at least in every 24 hours, examine the state of the external parts of the machinery and of the head-gear, ropes, chains, cages, guides, and conductors in the shafts and other similar appliances of the mine which are in actual use, both under ground and above ground

and shall without delay write or cause to be written a full and accurate report of the result of such examination. Every such report shall be recorded in a paged book to be kept at the mine for the purpose, and shall be signed and dated by the person who made the examination.

59. No person shall get on or off a cage, skip, tub or bucket used for lowering or raising persons after the same has been set in motion, or leave it until it has reached the appointed stopping place ; nor shall any person ride on the top or edge of any cage, skip, tub or bucket except when engaged upon special work in the shaft.

60. No person, when ascending or descending a shaft, shall take with him any tools or other bulky materials, save when engaged in repairing the shaft or when otherwise specially authorised by the manager :

Provided that, in the case of tools only, the manager may, by general order, permit the same to be carried.

61. No person shall ride in a shaft on, or against, a loaded cage, skip, tub or bucket.

62. Every person, when at or about the top or the bottom of a shaft, shall obey the orders and directions of the shaft attendants on duty at the time.

63. Not more than such number of person as may be authorised by the manager shall be allowed to ride in the same cage, tub, skip or bucket at one time, and a notice specifying the authorised number shall be posted at the top of every shaft and at every inset in a shaft.

64. No person under 18 years of age and no woman shall descend or ascend a shaft in a cage, tub, skip or bucket unless accompanied by at least one person over 18 years of age.

65. When the winding apparatus is not provided with some automatic contrivance to prevent overwinding, a point shall be fixed and marked on the indicator in such a way as to show when the cage or other conveyance is within a distance of twice the circumference of the drum from the completion of the wind : and when such cage or conveyance has reached such distance it shall not, if either it or the descending cage contains persons, be raised for the remaining distance at a speed exceeding three miles per hour.

66. (1) All cage chains in general use shall be annealed, and all detaching hooks shall be cleaned and refitted, and all winding ropes shall be re-capped, once at least in every six months, or, if necessary, at shorter intervals.

(2) The date of each such operation shall be recorded in a book kept at the mine for the purpose.



# LABOUR AND FACTORY LEGISLATION

## CHAPTER VII

### ROADS AND WORKING PLACES

67. The roofs and sides of all working places and travelling roads, including airways and travelling roads to second outlets, shall be made and kept secure.

68. (1) In any mine or part of a mine where the roof is of such a nature as to require artificial support, an Inspector, after consultation with the manager, may require such support to be systematic, and may give notice to that effect to the manager, who shall, by notices posted in conspicuous places at the mine, specify the manner in which supports are to be set and advanced and the maximum intervals—

- (a) between each row of props,
- (b) between adjacent props in the same row,
- (c) between the front row of props and the face, and
- (d) between chocks or cogs.

(2) The manager and his subordinate staff shall be responsible for securing effective compliance with the terms of the notices and no such mine or part of a mine shall be worked in contravention of these terms.

69. (1) In open workings the overburden and all loose ground and material shall be removed sufficiently far from the edge, or otherwise made secure, in such a manner as to prevent danger to persons employed in the mine.

(2) The sides of open workings shall be sloped, stepped or secured, in such a manner as to prevent danger from falls of materials.

(3) When an open working is worked in steps, the steps shall be of sufficient breadth in comparison with their height to secure safety.

"69-A. Every footpath along which loads are carried in open workings by human agency shall comply with the following requirements—

- (a) its breadth shall not be less than three feet ;
- (b) its slope shall not be greater than 1 vertical to 2 horizontal ;
- (c) at every place where its slope exceeds 1 vertical to 4 horizontal reasonably level steps shall be provided such that the vertical height of every step does not exceed seven inches and the dimension of every step measured horizontally from the edge to the back is not less than fourteen inches.

#### Explanation

Gang-planks used for loading wagons shall not be deemed to be part of a foot-path for the purposes of this regulation ; pro-

vided that every gang-plank shall be so inclined or constructed as to give a secure foot-hold.

69-B. Where women are employed in carrying loads, the weight of the loads and the height and distance to which they have to be carried shall not be such as to involve risk of injury to the health of the women. If any dispute arises as to whether risk of injury to health is involved, the decision of the Chief Inspector shall be final."

70. (1) For the purposes of inspections before the commencement of a period of work constituting a shift at a mine, one or more stations shall be fixed by the manager at the entrance to the mine or to different parts of the mine, as the case may require, and no workman shall pass beyond any such station until the part of the mine beyond that station has been examined and reported to be safe in the manner hereinafter provided.

(2) A competent person or persons, having the prescribed qualifications and appointed by the manager, shall within such time not exceeding two hours before the commencement of work in a shift, as may be fixed by the bye-laws of the mine, inspect every part of the mine situated beyond the station or each of the stations fixed by the manager, in which work-persons are to work or pass during the shift, and all working places in which work is temporarily stopped and the edges of all goaves within any ventilating district in which persons have to work, and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof and sides and general safety are concerned. The result of every such inspection shall be recorded in a book kept at the mine for the purpose.

(3) A like inspection shall be made at least twice in the course of each shift, and at least once in every five hours during which the shift continues, of all parts of the mine which are situated beyond the station or each of the stations aforesaid and in which work persons have to work or which they have to traverse during that shift but it shall not be necessary to record the result of such inspections in a book unless the last inspection in a shift is the inspection required to be made under sub-regulation (2).

(4) the inspection shall be made with an approved locked flame safety lamp and no additional light shall be used other than an approved electric torch or lamp :

Provided that in the case of a mine in which inflammable gas has never been found and is unlikely to be found, the inspection except in the region of an underground fire or of any stoppings made to control a fire, may be made with any electric torch or lamp if it is used in conjunction with an open light or an approved locked flame safety lamp.

(4-A.) In any inspection in the region of an underground fire, or of any stoppings made to control a fire, a cage containing small birds or other means of detecting carbon monoxide gas approved by the Chief Inspector shall be carried ;

(5) Every report referred to in sub-regulation (2) shall be made by the person inspecting, either when under ground or immediately on his return to the surface, and shall be a full and accurate report of the inspection, specifying whether or not, and where, if anywhere, noxious or inflammable gas was found, and whether or not any and, if any, what defects in roof or sides and other sources of danger were observed. The report shall be signed by the person who made the inspection and shall state the date and time of inspection and the date and time when the report was written.

(6) The part of a mine or mines assigned to a competent person under this regulation shall not be of such a size, nor shall any duties which may be assigned to him other than his duties under this regulation be such, as to be likely to prevent him from carrying out such last-mentioned duties in a thorough manner. If any question arises whether the part of a mine or mines assigned to any such person is too large or whether the additional duties assigned to him are too great, the decision of the Chief Inspector shall be final.

(7) A competent person or persons appointed by the manager shall inspect all airways and travelling roads leading to second outlets at least once a fortnight, and shall record the result of his inspection in a book kept at the mine for the purpose.

70-A. (1) The first inspection of a mine or a part of a mine which is reopened after a discontinuance of mining for a period exceeding seven days and of any part of a mine after being dewatered, shall be made by a person possessing the qualifications prescribed in sub-regulation (1) of regulation 71 with an approved locked flame safety lamp.

(2) No additional light shall be used in any such inspection other than approved electric torch or lamp.

(3) The result of every such inspection shall be reported by the person making it in the manner required by sub-regulation (5) of regulation 70 and shall be recorded in the book maintained in accordance with sub-regulation (2) of regulation 70.

70-B. (1) In any mine in which inflammable gas has been found during the previous twelve months, all unused workings in which inflammable gas may accumulate and which are not permanently sealed off, shall, at least once in every week, be inspected for the presence of inflammable gas, by the competent person appointed under regulation 70.

(2) The inspection shall be made with an approved locked

flame safety lamp, and no additional light shall be used, other than an approved electric torch or lamp.

(3) The result of every such inspection shall be reported by the person making it in the manner required by sub-regulation (5) of regulations 70 and shall be recorded in the book maintained in accordance with sub-regulation (2) of that regulation.

(4) Nothing in this regulation shall be construed to affect the provisions of regulation 70.

70-C. At every sealed off fire area in any mine and at every goaf or area of old workings isolated by stoppings in any mine in which safety lamps are required to be used in compliance with regulation 123, arrangement shall be made to ascertain from time to time atmospheric conditions behind the stoppings ;

Provided that this regulation shall not apply—

- (a) to an area in a mine which is isolated by stoppings capable of resisting the force of an explosion, or
- (b) to any mine or part of mine where in the opinion of the Chief Inspector special difficulties exist which make compliance with the provisions of this regulation not reasonably practicable.

71. (1) No person shall, save as hereinafter provided, be appointed to make any inspection required by regulation 70 unless he—

- (i) has within the preceding five years obtained a certificate from an authority and in a form to be prescribed by the Board of Examiners constituted under these regulations to the effect that his powers of eyesight and hearing are such as to enable him to make the inspection efficiently, and
- (ii) holds a manager's or a sirdar's certificate or a manager's permit or is for the time being authorised under sub-regulation (1) of regulation 24 to act as manager of the mine in which the inspection is to be made :

Provided that the holder of a sirdar's certificate shall not be appointed to make any such inspection in a mine in which safety lamps are used or in which inflammable gas is likely to occur, unless his certificate bears an endorsement to the effect that he is competent to test for and detect the presence of inflammable gas.

(2) A fee of one rupee payable in the manner prescribed in regulation 153 shall be chargeable from every person whose eyesight and hearing are examined for the purpose of enabling the grant to him of a certificate of adequate eye-sight and hearing referred to in clause (i) of sub-regulation (1), unless such examination is made in the course of an examination held under regulation 40.

(3) Where an emergency exists, the manager of a mine may appoint to make the inspection required by regulation 70 any person who, in his opinion, is competent to make such inspection, notwithstanding the fact that such person does not possess the qualifications prescribed in sub-regulation (1) :

Provided that such appointment shall not extend over a period exceeding one month :

Provided further that every such appointment and the reasons therefor shall forthwith be reported to the Chief Inspector. The Chief Inspector may cancel any appointment so made, and such cancellation shall be final.

72. (1) If at any time it is found by the person for the time being in charge of a mine or any part thereof that, by reason of any cause whatever, the mine or part is dangerous, every workman shall be withdrawn from the mine or part, and a competent person appointed by the manager for the purpose shall inspect the mine or part.

(2) The person so appointed shall make a full and accurate report of the condition of the mine or part and no workman shall, except in so far as is necessary for enquiring into the cause of danger or for the removal thereof or for exploration be readmitted into the mine or part, until the mine or part is reported by the person so appointed not to be dangerous.

(3) Every report made under sub-regulation (2) shall be reported without delay in a paged book, which shall be kept at the mine for the purpose, and shall be dated and signed by the person who made the inspection.

Provided that—

- (i) where the danger arises from the presence of inflammable or noxious gas, the provisions of regulation 72-A shall be followed ;
- (ii) where the appearance in any part of a mine of smoke or other sign indicates that a fire has or may have broken out, the provisions of regulation 87-F shall be followed.

72-A. (1) When inflammable gas or any noxious gas is detected in any working place or any part of a mine, all persons shall be withdrawn from the place or part, and the place or part shall be immediately fenced off so as to prevent persons inadvertently entering the same. The official in charge of the district in which the gas has been detected shall take steps, without delay, to remove the gas by improving the ventilation and shall also send a report of the occurrence to the manager.

(2) During the removal of such gas no naked light shall be used in the ventilating district in which the gas is detected and all persons, except those necessary for such removal, shall be

withdrawn from the return side of the ventilating district unless the quantity of gas is, in the opinion of the manager or other responsible official in charge of the mine in the manager's absence so small that such withdrawal of persons is unnecessary.

(3) No workman shall be readmitted into the place or part referred to in sub-regulation (1) until a competent person appointed by the manager for the purpose has inspected the place or part and has reported that the place or part is free from gas. Every such report shall be in writing and shall be dated and signed by the person who made the report.

(4) The inspection required by sub-regulation (3) shall be made with an approved locked flame safety lamp and, in the case of noxious gas, also with a cage containing small birds or other means of detecting carbon monoxide gas approved by the Chief Inspector.

(5) Particulars of every occurrence referred to in sub-regulation (1) and every report submitted under sub-regulation (3) shall be recorded in a paged book, which shall be kept at the mine for the purpose, and it shall be stated in the book where and when the gas was found and when it was removed.

72-B. (1) No coal shall be extracted from any spot which lies vertically below—

(a) any part of the bed of any river, tank or reservoir, or

(b) Any spot lying within a horizontal distance of 50 feet from either bank of a river or the boundary of a tank or reservoir, except with the written permission of a Chief Inspector and subject to such conditions as he may specify.

(2) For the purposes of this regulation, where sand or alluvium are lying in the course of a river, or in a tank or reservoir, the bed of the river, tank or reservoir at that point shall be deemed to coincide with the surface of the hard strata underlying such sand or alluvium.

73. Where any part of a mine is so situated that there is any danger of irruption of surface water into the mine adequate protection against such an irruption shall be provided and maintained.

74. Where any working has approached within 100 feet of any place containing or likely to contain an accumulation of water or other liquid matter, or within 100 feet of disused workings (not being workings which have been examined and found to be free from accumulation of water or other liquid matter) the working shall not exceed eight feet in width or height, and there shall be maintained at least one bore-hole near the centre of the working face, and sufficient flank bore-holes on each side and, where necessary, bore-holes above and below the working,

at intervals of not more than 15 feet. All such bore-holes shall be and shall be constantly maintained at sufficient distance in advance of the working and such distance shall in no case be less than 10 feet.

'75. Where work is being done in any seam or part of a seam below another seam or part of a seam which contains or *may contain* an accumulation of water, or where work is being done in an upper seam or part of an upper seam which is at a lower level than any part of a lower seam which contains or may contain an accumulation of water, adequate precautions shall be taken against such an irruption of water into the seam where work is being done as would be likely to endanger the lives of the workmen in the mine.'

'75-A. When the owner, agent or manager of a mine intends or proposes by introducing water from the surface, or from any other part of the mine, or from an adjacent mine, to flood any part of the workings of his mine he shall give in writing not less than seven days' notice of his intention to commence such operations to the Chief Inspector and to the management of all adjacent mines and such other mines as might be affected by such flooding :

Provided that the Chief Inspector may by order in writing—

- (a) permit such operations to be commenced on any day prior to the expiry of seven days from the receipt of notice ; or
- (b) require that such operations shall not be commenced until after the expiry of such time, not exceeding twenty days, from the receipt of notice as he may specify in this behalf.

75-B. If the operations in respect of which notice is given under regulation 75-A are not commenced within sixty days from the expiry of the period of notice of seven days therein referred to, the notice shall be deemed to have lapsed and the provisions of that regulation shall apply as if no such notice had been given.'

76. (1) No working shall be made within a distance of 25 feet of the boundary of any mine property, or, in the case of a disputed boundary, within a distance of 25 feet of the boundary claimed by the owner of an adjacent mine until such time as a binding agreement has been reached as to the correct boundary or the question has been finally determined by a court of law.

(2) Notwithstanding anything contained in sub-regulation (1) the Chief Inspector may, by order in writing, permit the working of any mine or part of a mine to extend to within any shorter distance than 25 feet of the boundary of the mine, or *may require* that the working of any mine or part of a mine

shall not extend further than any specified distance, not exceeding 100 feet, of such boundary.

(3) The owner of any mine affected or likely to be affected by any order passed by the Chief Inspector under sub-regulation (2) may prefer an appeal to the Mining Board constituted under section 10 of the Act, or, if no Mining Board has been constituted for the part of British India in which the mine or part of a mine is situated, to the Local Government, and the order of the Mining Board or of the Local Government thereon shall be final.

(4) Where the workings of two adjacent mines have each approached to within a distance of 100 feet of the respective boundary or boundaries of each mine property, or, in the case of disputed boundary, within a distance of 100 feet of the boundary claimed by the owner of the adjacent mine, the owners of two mines shall make a joint survey of the workings on either side of the common barrier and a copy of the plan showing the workings upto a date within six months shall be kept in the office at each of the mines.

77. (1) The dimensions of pillars and galleries and the shape of pillars formed in any seam shall be such as to ensure stability during the formation of pillars, during the extraction of pillars and during the period between such formation and extraction.

(2) Save with the previous permission in writing of an Inspector, no gallery in a seam shall exceed 10 feet in height or 16 feet in width.

(3) Where the 'pillar and stall' system of working is adopted the pillars formed in any seam shall normally be rectangular in shape.

(4) The distance between the centres of any two adjacent pillars left in the seam shall not be less than that specified in the appended table as corresponding to the depth of the seam from the surface and the average width of the galleries in the workings in question :

Provided that the Chief Inspector may, in the case of any particular seam or mine, by order in writing and subject to such conditions as he may specify, vary the distances specified in the said table.\*

(5) Nothing in sub-regulations (2), (3) and (4) shall apply to workings in a mine made before the coming into force of this regulation. In such workings the following provisions shall apply, except in depillaring operations :—

(a) if the distances between the centres of adjacent pillars are smaller than those specified in the table appended to sub-regulation (4), the pillars shall not be further reduced ;

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\*For Table see next page.



Depth of seam from surface	Where the average width of the galleries does not exceed 10 feet, the distance between centres of adjacent pillars shall not be less than—			
	Feet	Feet	Feet	Feet
Not exceeding 200 feet ...	10	30	60	65
Exceeding 200, but not exceeding 300 feet. ...	15	35	65	70
Exceeding 300, but not exceeding 500 feet. ...	55	65	75	85
Exceeding 500, but not exceeding 800 feet. ...	75	85	100	115
Exceeding 800 feet. ...	95	115	130	150

(b) if the distances between the centres of adjacent pillars are not smaller than those specified in the table appended to sub-regulation (4), the pillars shall not be so reduced as to render those distances smaller than—

- (i) the distances so specified, or
- (ii) any distance required in this behalf by the Chief Inspector ;
- (c) if the height or width of a gallery exceeds the figure specified in sub-regulation (2), the dimensions of the gallery shall not be further increased without the permission in writing of an Inspector ; and
- (d) if the height or width of a gallery is less than the figure specified in sub-regulation (2), it may be increased only to the extent so specified or to such extent as may be permitted by an Inspector in writing.

(6) In the case of all workings, where in the opinion of an Inspector the dimensions of pillars or galleries are such as to render it likely that crushing of pillars or the premature collapse of any part of the workings will occur either before or during the extraction of pillars, he may, by order in writing.

require such modification of those dimensions in respect of any future working as he shall specify.

78. (1) The extraction of pillars shall be conducted in such a way as to prevent as far as possible the extension of a collapse or subsidence of the goaf over pillars which have not been extracted. Adequate timber or other supports shall be used where necessary.

(2) Save as provided by sub-regulation (3), no pillars shall be reduced or split in such a manner as to reduce the dimensions of the resultant pillars below those required by regulation 77 or by any order passed thereunder, nor shall any gallery be so heightened as to exceed the height required by or under that regulation.

(3) During the systematic extraction of pillars no 'splitting' or reduction of pillars or the heightening of galleries shall be effected for a greater distance than the length of two pillars ahead of the pillar that is being extracted or from the point at which pillar extraction is about to begin.

(4) An Inspector may by order in writing relax the provisions of sub-regulations (2) and (3) in respect of any specified workings to such extent and on such conditions as he may specify in the order."

"78-A. Nothing in regulation 77 or regulation 78 shall prevent the driving of any gallery through any pillar or the enlargement of any gallery beyond the limits prescribed by or under these regulations when in the opinion of the manager such work is necessary for haulage, ventilation, drainage or any other purpose necessary for the proper working of the mine, if a week's previous notice of the intention to undertake such work has been sent to the Inspector."

78-B. Whenever "crush" of pillars or any symptom of impending collapse other than that ordinarily caused by pillar extraction is detected, the owner agent or manager of the mine shall inform the Chief Inspector forthwith.

79. Where the method of extraction is to remove all the coal, or as much of the coal as is practicable and allow the roof to fall in, operations shall be conducted in such a way as to leave as small an area of uncollapsed roof as possible and; where practicable, means shall be taken to bring down the roof at regular intervals.

80. (1) In any mine in which two or more seams or sections of a seam are close to each other, the pillars in the one seam or sections shall, where the strata are not highly inclined, be, as far as practicable, vertically above or below the pillars in the other seam or section.

(2) No work in a higher seam or section shall be done over an

area in a lower seam or section which may collapse unexpectedly.

(3) No seam in a mine shall be worked in more than one section without the permission in writing of the Chief Inspector and under such conditions for ensuring the stability and safety of the workings as he may specify.

(4) Every application for permission under sub-regulation (3) shall be accompanied by a plan showing the proposed layout of the workings, the thickness of the seam, the depth of the seam from the surface, the rate and direction of dip, the dimensions of pillars and galleries in each section and the thickness of the parting between the sections.

(5) Where a seam in a mine is worked in two or more sections every such section shall be deemed to form a separate seam and the parting left between any two such sections or between the workings made in any two seams in a mine which are close to each other, shall not be less than 10 feet in thickness :

Provided that an Inspector may by order in writing—

(a) permit a smaller thickness of parting, if he is of opinion that the stability of the workings will not be affected thereby, or

(b) require a greater thickness of parting, if he is of opinion that such greater thickness is necessary for the safety of the workings."

"80A. If in any mine it appears to an Inspector authorised in this behalf in writing by the Chief Inspector that the provisions of regulation 77, regulation 78 or regulation 80 or of any order issued under any of those regulations have not been complied with, he may give notice in writing to the owner, agent or manager of the mine requiring him to take such protective measures, within such reasonable time, as he may specify in the notice ; and in case of non-compliance, the Inspector may, by order in writing addressed to the person to whom the notice was given, prohibit the extraction of coal in the part or parts of the mine in which protective measures are required to be taken until the requirements specified in the notice are complied with to his satisfaction."

81. (1) Proper provision shall be made in every mine to prevent

(a) an outbreak of fire in the mine or the spread of fire to the mine from any mine adjacent to it,

(b) inundation by water from a neighbouring mine, and

(c) the premature collapse of workings,

and adequate steps shall be taken to isolate, control or remedy, as the case may require, any such outbreak, inundation or collapse which may occur.

(2) Where, in the opinion of an Inspector, the provision made or steps taken for the purposes specified in sub-regulation

(1) are inadequate, he may require such additional provision or steps as he shall specify to be made or taken.

82. (1) An appeal against any order passed by an Inspector under any of the following regulations, namely regulations 68, 77, 78, 80, 80-A and 81, may be preferred to the Chief Inspector and the order of the Chief Inspector thereon shall, save as otherwise provided in sub-regulation (2), be final.

(2) An appeal against any order passed by the Chief Inspector—

(a) under sub-regulations (4) and (5) of regulations 77 or sub-regulation (3) of regulation 80 ; or

(b) on appeal under sub-regulation (1) of this regulation against any order of an Inspector passed under regulations 77, 78, 80 and 80-A.

may be preferred to the Central Government, which shall refer the same to a Committee constituted in the manner laid down in sub-sections (1) and (2) of section 11 of the Act.

(3) The procedure laid down in sub-sections (3), (4) and (5) of section 11 of the Act shall apply to a reference made to a Committee under sub-regulation (2).

(4) Every order against which an appeal is preferred under sub-regulation (2) shall be complied with pending the receipt at the mine of the decision of the Committee :

Provided that the Committee may, on the application of the appellant, suspend the operation of the order appealed against pending the disposal of the appeal.

83. Every person shall examine his own working place before commencing work, and also at intervals during the shift. If any dangerous condition is observed by him he shall either remedy it or immediately leave the place and report the fact to an official of the mine, who shall deal with the matter without delay.

84. (1) No person shall work in any place in which he has not been ordered to work either by an Official of the mine or by a person authorised in this behalf by an official of the mine.

(2) No person shall cut coal from any pillar, roof or floor unless specially so authorised by the manager, or other person qualified under the provisions of regulation 71 to make an inspection required by regulation 70.

85. After an explosion of fire-damp or coal dust in a mine only such persons as are authorised by the manager or an official appointed by the manager for the purpose or, in the absence of the manager or such official by the principal official of the mine present at the surface, shall be allowed to enter the mine.

86. Where rescue or recovery work is being undertaken in a mine or part of a mine likely to contain an irrespirable atmosphere, no party of less than three shall be allowed to enter.

## CHAPTER VII-A

Special precautions against spontaneous combustion and underground fires.

87. In any mine in which an underground fire exists, whether such fire has been sealed off by means of stoppings of non-inflammable material or not, or in which an explosion of fire damp or coal dust is likely to occur, there shall be kept at the mine constantly available for use two or more small birds or other means approved by the Chief Inspector of detecting carbon monoxide gas and two or more approved locked flame safety lamps for the purpose of testing for inflammable and other gases : Provided that the Chief Inspector or an Inspector may require compliance with this regulation in the case of any other mine if he thinks that the circumstances of the mine are such as to require it.

87-A. (1) All surface structures and supports within a horizontal distance of 25 feet from the perimeter of shafts and the covering of all shafts sealed off or covered for ventilation purposes, and all fan drifts, fan casings and parts of fans within such drifts or casings, shall be of non-inflammable material : Provided that this sub-regulation shall not apply to—

(a) structures and supports and the covering of shafts, if they are so protected by non-inflammable material as to eliminate the risk of fire ;

(b) the small lid or covering of a shaft covering operated by the rope cappel ; and

(c) temporary structures, supports and coverings at the top of shafts which are in the course of being sunk :

Provided further that until 30th April 1940 this sub-regulation shall not apply to wooden headgears which were in use on the date on which this sub-regulation came into force.

(2) All air-crossings in main intake or main return airways and all ventilation or separation doors in any fan house or fan drift and in the vicinity of shaft bottoms or air-crossings in main intake or main return airways shall be constructed of non-inflammable material and shall be designed, as far as practicable, to prevent leakage.

(3) No timber or other inflammable material shall be used in the construction of or in connection with any underground engine-house or electrical sub-station, switch house or motor room.

87-B. No oil grease, canvas, or other highly inflammable material shall be stored underground in any mine except in a fire-proof receptacle or chamber.

87-C. Adequate means of extinguishing fire shall be pro-

vided at any part of a mine where timber, grease or other inflammable material is stored and at all insets where timber is used for the construction of the staging and at every pit-head, pit-bottom, engine-room and electrical apparatus room.

(2) In every mine in which there are water mains or other pipes containing water under pressure, an adequate number of taps shall be provided on such mains or pipes. Hose pipe not less than 200 feet in length with the necessary fittings shall be kept readily available in the mine and the distance between two adjacent taps shall not exceed the length of the hose pipe provided.

(3) In mines or parts of mines where in the opinion of the Chief Inspector arrangements for extinguishing a fire cannot reasonably be provided under sub-regulation (2), one or more of the following means shall be adopted :—

- (a) portable fire extinguishers shall be provided and kept readily available and in good condition at suitable places underground ; or
- (b) portable water tanks fitted with hand pressure pumps and an adequate length of hose piping shall be provided ; or
- (c) adequate supplies of sand or incombustible dust shall be kept available at suitable places underground.

(4) A competent person appointed in writing by the manager for the purpose shall examine each portable fire extinguisher provided under sub-regulation (3) at intervals not exceeding three months, and the result of each such examination shall be recorded in a book kept at the mine for the purpose.

(5) Water shall not be used for putting out electrical or oil fires.

87-D. (1) No person shall light a fire or deposit ashes or heated material in any coal quarry, or on any exposed outcrop of coal, or on any ground damaged by the extraction of coal in which open fissures or cavities exist.

(2) No person shall light a fire or permit a fire to be lighted in any underground part of a mine :

Provided that nothing in this sub-regulation shall apply to the use in a mine to which regulation 123 does not apply, of blow lamps or electric repairing apparatus if permitted by a special written order granted by the manager of the mine. The order shall specify the person who shall be in charge of the blow lamp or apparatus and shall require such person to bring it back to the surface when no longer required.

(3) No person shall light a fire or permit a fire to be lighted within a distance of 40 feet from the perimeter of any shaft except in accordance with a written order granted by the mana-

ger of the mine and only for a special purpose specified in such order :

Provided that this sub-regulation shall not apply to boilers other than vertical boilers.

(4) All such orders shall be recorded in a paged book kept in the office of the mine.

(5) No person shall ignite a "feeder" or an accumulation of gas.

87-E. No excavation shall be done in any part of a seam lying under any part of another seam which is on fire or is believed to be on fire or which is connected by a goaf or by broken strata to any fire except by a method which will maintain the strata between the seams in situ and intact.

87-F. (1) On the appearance in any part of a mine of smoke or other sign indicating that a fire has or may have broken out all workmen other than those whose presence in the mine is deemed necessary for dealing with the emergency shall be immediately withdrawn from the mine. No workmen, other than the men required for dealing with or damming off the fire shall be re-admitted until either the fire has been extinguished or the part in which it exists has been effectively dammed off and an examination has been made by the manager and the competent person appointed under regulation 72 and the mine has been reported to be safe. Every such report shall be recorded without delay in a paged book, which shall be kept at the mine for the purpose and shall be dated and signed by the manager and the competent person who made the inspection :

Provided that, in a mechanically ventilated mine in which the use of safety lamps is not required other than for inspection purposes, this regulation shall apply only to the ventilating district or districts, that may be affected.

(2) The examination required by sub-regulation (1) shall be made with an approved locked flame safety lamp and a cage containing small birds or other means of detecting carbon monoxide gas approved by the Chief Inspector. No additional light shall be used other than an approved electric torch or lamp.

87-G. (1) Approved locked safety lamps or electric torches shall be exclusively used in the work of dealing with or damming off an underground fire :

Provided that where in the opinion of the manager, it is necessary to take immediate steps to deal with an outbreak of fire, the provisions of this sub-regulation shall be deemed to have been complied with if the workmen engage in dealing with the fire are provided with approved safety lamps or electric torches as quickly as is reasonably practicable.

(2) During the work of dealing with or damming off an underground fire a cage cages containing small birds or other means of detecting carbon monoxide gas approved by the Chief Inspector shall be kept at all places in which persons may be in danger from noxious gases.

87-H. Approved locked safety lamps or electric torches shall be exclusively used in any ventilating district of a mine in which there is an underground fire whether such fire is sealed off by stoppings or not :

Provided that the Chief Inspector may in the case of any mine, grant exemption from this regulation under such conditions as he may impose, if, in his opinion, the use of approved safety lamps or electric torches in such mine is not necessary.

87-I. (1) In any ventilating district of a mine which is not naturally wet throughout and—

- (i) in which there is an underground fire, whether sealed off or not ; or
- (ii) in which the extraction of pillars is in hand or is about to commence ;

the following precautions with respect to danger from dry coal dust shall be taken :—

- (a) All haulage and tramming roads shall be systematically kept clear of accumulations of dry coal dust.
- (b) All such roads shall be systematically treated with water or incombustible dust in such a manner as to prevent an explosion from being initiated or propagated by coal dust. If incombustible dust is used for the purpose, it shall be of a kind which is not likely to be injurious to the health of workmen.

(2) The precautions laid down in sub-regulation (1) shall also be observed at all places within 400 feet of an area—

- (i) which has been or is being sealed off on account of fire ; or
- (ii) in which pillars are being extracted.

(3) The Chief Inspector may, by order in writing, grant, subject to such conditions as he may impose, exemption from the provisions of sub-regulation (1) or sub-regulation (2) to any mine or part of a mine on the ground that, on account of the special character of the mine or part, the observance of the precautions laid down therein is not necessary.

87-J. In any working mine in which a fire is known or is believed to exist—

- (a) adequate precautions shall be taken to prevent the passage of air from the mine through any goaf or through broken strata connected with the fire ; and
- (b) no work, other than work required by clause (a) of



this regulation, shall be done in any part of the mine which is not effectively sealed off from any such goaf or broken strata."

## CHAPTER VIII.

### HAULAGE

88. (1) Every haulage road on which the haulage is worked by gravity or mechanical power shall be provided with sufficient manholes for refuge, which shall in no case be placed at intervals of more than 60 feet and which shall not be less than 5 feet in height, 3 feet in width and 4 feet in depth. Where the inclination is more than 1 in 6 the manholes shall be at intervals of not more than 30 feet.

Provided that in any case in which an Inspector considers that there are difficulties which make the provision of a manhole at the above specified intervals or of the above specified dimensions not reasonably practicable, he may, by order in writing, specify a greater interval or reduced dimensions.

(2) Every manhole shall be kept clean and whitewashed both inside and for a distance of not less than 1 foot around the aperture and the entrance of such manhole shall be kept unobstructed.

89. Every haulage road exceeding 100 feet in length on which the haulage is worked by gravity or mechanical power, shall be provided with proper means of communicating distinct and definite signals from all regular stopping places to the place or places at which the persons who control the haulage machinery are stationed :

Provided that the Chief Inspector may, at his discretion and by order in writing, require that there shall be means of communicating signals in the reverse direction also.

The first four or principal signals shall be—

Three raps	..	..	START when at rest.
One rap	..	..	STOP when in motion.
Two raps	..	..	{ LOWER SLOWLY or HAUL IN SLOWLY.
Four raps	..	..	{ RAISE SLOWLY or HAUL OUT SLOWLY.

Any other signals shall be in addition to and shall not interfere with the foregoing :

Provided that the Chief Inspector by order in writing, may, at his discretion, permit the use of a different code of haulage signals.

90. A printed copy of the code of haulage signals shall be kept posted at the brakewheel or haulage engine, and at both ends of the haulage road and at every signalling station.

91. The signal handle or attachment at every stopping place on any haulage or self-acting incline shall be placed in such a position as will enable the person operating the signals to be safe in the case of a runaway tub or tubs on the incline.

92. At the top of every incline on which the haulage not being endless rope or endless chain haulage, is worked by mechanical power or gravity there shall be stop-blocks or other similar contrivances to prevent tubs from running away. Additional stop blocks or runaway switches, or some other appliance for arresting the descent of tubs in the event of a runaway, shall be fixed below the first stop-blocks at a greater distance than the length of a train of tubs. There shall also be provided and attached behind the ascending tub or train of tubs a back-stay, drag or other suitable contrivance for preventing the tub or tubs from running back.

93. Where main haulage road extends to a distance of more than 3,000 feet from the shaft or the entrance of the mine, efficient means of telephonic communication shall be provided and maintained between a suitable station near the end of every such main haulage road, the pit bottom and the surface, or between a suitable station near the end of every main haulage road and the entrance to the mine :

Provided that the Chief Inspector may, by order in writing require the provision of means of telephonic communication where in any mine the main haulage extends to a distance of less than 3,000 feet from the shaft or the entrance to the mine, where travelling is unduly arduous :

Provided further that the Chief Inspector may, by order in writing permit the use of other suitable means of communication in cases in which the conditions in the mine are not suitable for telephones.

94. Where haulage is effected by means of an endless rope or chain, automatic catches shall be fixed at such points on the haulage road as may be necessary to prevent tubs from running away.

95. (1) No person shall permit a tub or tubs to run uncontrolled with the consent of the manager :

Provided that the Chief Inspector may by order in writing, prohibit the uncontrolled movement of tubs at any place where, in his opinion, there would be danger of injury to persons.

(2) No person shall ride on any tub, truck or wagon, either underground or above ground except with the written permission of the manager.

96. Where the Chief Inspector so requires travelling roads separate from the haulage roads shall be provided to and from the working places.

96-A. In every underground part of a mine—

(1) main haulage and travelling roads shall, as far as practicable, be kept free from accumulations of fine coal dust ;

(2) All coal tubs shall be so constructed and maintained as to prevent as far as practicable, coal dust escaping through their sights, ends or floors.

## CHAPTER IX.

### EXPLOSIVES

97. No owner, agent or manager shall store, or knowingly allow any other person to store, within the premises of the mine, any explosives otherwise than in accordance with the provisions of rules made under the Indian Explosives Act, 1884.

98. No explosive shall be stored in the workings of a mine or taken into or kept in a dwelling house.

99. No explosive shall be used in a mine except that provided by the manager.

100. The manager shall appoint in writing a competent person or persons to be in charge of every magazine for the storage of explosives, and no person shall be in charge of a magazine without such written authority.

101. Explosives shall be issued only to competent persons appointed in writing by the manager, and no unauthorised person shall have explosives in his possession.

101-A. No liquid oxygen explosive shall be used in any underground part of a mine.

102. No gunpowder or any other kind of explosive, except fuses and detonators, shall be issued for use in blasting operations in a mine or used in a mine, except in the form of cartridges.

103. Explosives unused and left over at the end of a shift shall be returned to the magazine immediately after the end of shift. Such returned explosives shall be re-issued before fresh stock is used.

104. The person in charge of a magazine shall keep a correct record of the quantity of gunpowder and of the numbers of cartridges or other kinds of explosives and of detonators issued from the magazine to each authorised person, and a similar record of explosives returned to the magazine.

105. The preparation of cartridges from loose gunpowder, the drying of gunpowder and the re-construction of damp cartridges shall be carried out only by a competent person or persons appointed in writing by the manager for the purpose, and only in accordance with the conditions laid down in rules made under the Indian Explosives Act, 1884, and in a place approved by the licensing authority.

106. No explosive shall be taken into a mine except in securely locked cases or canisters, containing not more than five pounds each, and no person shall have in use or keep for use, at one time in any one place, more than one such case or canister. The place, in the mine at which any such case or canister is in use, or is kept for use, shall unless solid ground directly intervenes, not be less than 30 feet from a place at which any other such case or canister is in use or kept for use :  
Provided that the Chief Inspector may, in special cases by order in writing permit, subject to such limitations as he may prescribe, the use at one time in one place of more than one such case or canister.

"107. The amount of every charge of explosive shall not be disproportionate to the work to be done. The charge shall be placed in a properly drilled and placed shot hole and shall have sufficient stemming. A sufficient supply of suitable non-inflammable stemming material shall be provided at places convenient to the shot-firers."

108. (1) No shot shall be stemmed or fired except by, or under the personal supervision of, a competent person appointed by the manager, by order in writing to be a shot-firer.

(2) In any mine in which more than 50 persons are employed underground at any one time, no person shall be so appointed or shall perform the duties of a shot-firer who is responsible for making inspections under sub-regulation (2) of regulation 70.

(3) With effect from the 1st day of April 1940, no person shall be appointed as a shot-firer under sub-regulation (1) unless he holds either a shot-firer's certificate or a sirdar's certificate or a manager's certificate granted under these regulations.

109. Every shot-firer shall, before a shot is fired by him or under his supervision, see that all persons in the vicinity have taken proper shelter at a safe distance; he shall also take suitable steps to prevent any person approaching the shot and shall himself take proper shelter.

110. When two working places have approached to within 10 feet of one another, no blasting shall be done in any one of such workings unless the workmen have been withdrawn from the other working, and the same has been fenced.

**Explanation**

For the purpose of this regulation, any place to which workmen have lawful access shall be deemed to be a working place.

111. In the process of charging or stemming for blasting, no person shall use or have in his possession any iron or steel pricker, scraper, tamping rod or stemmer, and only suitable non-inflammable substances shall be used for tamping or stemming.

112. (1) When a hole has been charged, the explosive shall be unrammed.

(2) No hole shall be bored at a distance of less than 12 inches from any hole where a charge has misfired nor shall a second charge be placed in any such hole.

113. Detonators shall be kept in a securely locked box separate from any other explosive and no detonator shall be inserted into the priming cartridge until immediately before it is used :

Provided that in the case of a wet working priming cartridges may be prepared at the nearest convenient dry place adjacent to the working.

114. No explosive shall be forcibly pressed into a hole of insufficient size.

"115. (1) In any place in a mine in which the use of a locked safety lamp is for the time being required by or in pursuance of the regulations—

- (a) no shot shall be stemmed or fired by any person who does not hold a sirdar's certificate endorsed for gas testing ;
- (b) no shot shall be fired until the shot-firer has examined both the place where the shot is to be fired and all accessible places within a radius of 60 feet for the presence of inflammable gas and has found such places free from gas ;
- (c) no shot of a Permitted Explosive shall be fired except by means of a shot-firing apparatus of a type approved by the Chief Inspector and subject to such conditions as he may from time to time lay down by notification in the Gazette of India :

Provided that the Chief Inspector may, in special cases, by order in writing, permit, subject to such conditions as he may specify, the use of any other shot-firing apparatus.

- (2) (i) Every approved shot-firing apparatus in use in a mine shall, once at least in every three months, be cleaned and thoroughly overhauled by a competent person appointed in writing by the manager.
- (ii) No person shall use or allow to be used any approved apparatus which has become unsafe or defective.
- (3) No shot shall be fired at any place underground in a

mine unless the place itself and all accessible places within a distance of 60 feet—

- (a) are naturally wet, or
- (b) have been drenched with water to such an extent that there will be no danger of dry coal-dust being raised into the air by the shot, or
- (c) have been thoroughly treated with incombustible dust."

116. No explosive other than a Permitted Explosive shall be used—

- (a) in any mine in which inflammable gas has within the previous twelve months been reported to be present or in which safety lamps are required, by or in pursuance of these regulations, to be used for any purpose other than inspections; and
- (b) in any other mine in any main haulage road or main intake or main return airway or any place immediately contiguous to such road, intake, airway or place, unless such road, intake, airway or place is naturally wet throughout :

Provided that in the case of any mine or any part of a mine an exemption may be given by the Chief Inspector, subject to such conditions as he may impose, on the ground that on account of the special character of the mine, the prohibition of the use of explosives other than permitted explosives is not necessary.

116-A. In any mine in which the use of "Permitted Explosives" is required by these regulations or by any bye-law or order made under the Act :—

- (a) where more shots than one are charged for firing, the shots shall be fired simultaneously ;
- (b) the aggregate charge in any number of shots fired simultaneously in coal shall not exceed the permissible maximum charge laid down by the Chief Inspector for the kind of 'Permitted Explosive' used ;
- (c) no shot shall be fired in coal in any gallery unless—
  - (1) the coal has been undercut, overcut or sidecut ; and
  - (2) the length of the shot hole is at least six inches less than the length of the cut.

116-B. In any underground part of a mine two or more shots shall not be charged or fired in the same place simultaneously, if the explosive used is not a permitted explosive :  
 Provided that this regulation shall not apply to—

- (a) working place in which the roof, floor and sides within a radius of 100 feet of the place where shots are to be fired are naturally wet ; or
- (b) a cross measure drift in stone if such drift does not contain any coal dust ; or

- (c) shafts which are in the process of being sunk through or across the strata.

116-C. Where shots are fired electrically, the shot firer shall—

- (i) for the purpose of firing, use a cable which is not less than 60 feet in length ;
- (ii) before coupling the cable to the firing apparatus couple up the cable himself to the fuse or detonator wires ;
- (iii) take care to prevent the cable coming into contact with any power or lighting cable ; and
- (iv) himself couple the cable to the firing apparatus, and before doing so, that all persons in the vicinity have taken proper shelter at a safe distance.

117. After a shot has been fired the shot-firer appointed under regulation 108 or other competent person appointed in writing by the manager of the mine shall, before any other person enters the place, make a careful examination and with his assistants make the place safe. No other person shall enter the place until the examination has been made and the place has been declared to be safe in all respects.

118. When a shot has misfired, the entrance to the firing place shall be fenced, and no person shall go beyond the fence until the expiration of one hour from the time of misfiring ; but when an electrical apparatus has been used for firing, this interval may be reduced to such time, not being less than ten minutes after the cable has been disconnected from the firing battery, as the manager of the mine may in each case direct.

119. When a shot has misfired, the official or other competent person in charge of the explosive at the time of the misfire shall report the failure to the manager or under manager, who shall record the fact in a book to be kept for the purpose ; and such official or other competent person shall give information of the failure to such person as may relieve or take over charge from him.

120. When a misfired charge of explosive has been blasted out, a careful search for cartridges and detonators, if any, shall be made amongst the debris, and, if not located under ground, the tubs into which the debris is loaded shall be marked and a further search made on the surface.

## CHAPTER X

### VENTILATION AND LIGHTING.

121. (1) An adequate amount of ventilation shall be constantly produced in every mine to clear away smoke and to dilute and render harmless inflammable and noxious gases to

such an extent that the working places of the shafts, levels and workings of the mine, and the travelling roads to and from these working places, shall be in a safe state for persons working or passing therein.

(2) Where the Chief Inspector is of the opinion that it is necessary for the adequate ventilation of a mine or for the prevention of danger from inflammable or noxious gases, he may require that a mechanical ventilator shall be installed.

121-A. (1) The Chief Inspector may require the manager of any mine in which, or in any part of which, a mechanical ventilator is in use, to submit within one month Standing Orders specifying the action that shall be taken with respect to the withdrawal of workmen from such mine or parts of such mine in the event of a stoppage of the mechanical ventilator.

(2) The Chief Inspector may approve of such Standing Orders either in the form submitted to him or with such additions or alterations as he may think fit and shall give notice in writing to the manager that the Standing Orders in the form approved by him shall be enforced at the mine.

(3) On receipt of the notice from the Chief Inspector, the manager shall post the Standing Orders in conspicuous places at the mine both above and below ground and shall be responsible for securing effective compliance with them.

122. (1) In every mine in which inflammable gas has been found within the previous twelve months or where workings have been walled off on account of fire, the quantity of air shall, at least once in every month, be measured—

- (i) in the main intake airways of every seam, as near as practicable to the downcast shaft;
- (ii) in every split, as near as practicable to the point at which the split commences; and
- (iii) in each ventilating district, as near as practicable to a point where the air is sub-divided at the end of a main split or where it enters the first working place.

(2) The measurements referred to in sub-regulation (1) shall be entered in a book kept at the mine for the purpose.

123. (1) No artificial light other than an approved locked safety lamp shall be allowed or used—

- (a) in any seam in a mine which an explosion or ignition of inflammable gas has occurred during the previous twelve months:

Provided that the Chief Inspector may, subject to such conditions as he may enforce, exempt any mine from the operation of this clause, on the ground that on account of this special character of the mine the use of safety lamps is not necessary;

- (b) in any place in a mine in which there is or is likely to



be any such quantity of inflammable gas as to render the use of naked lights dangerous ;

- (c) in any working near a place in which there is likely to be an accumulation of inflammable gas ; or
- (d) in any ventilating district of a mine in which inflammable gas has been found during the previous twelve months.

(2) If any difference of opinion arises between an Inspector and a manager on the question whether the conditions specified in clauses (b) and (c) of sub-regulation (1) exist in any mine, the question shall be referred to the Chief Inspector whose decision thereon shall be final.

(3) In the case of any mine to which clause (d) of sub-regulation (1) applies the Chief Inspector may, if safety lamps are not immediately available, grant a temporary exemption from the operation of that clause, subject to such conditions as he may specify, until such time as safety lamps can be obtained.

(4) In any mine or part of a mine in which safety lamps have been in use in compliance with the provisions of sub-regulation (1), no artificial light other than an approved locked safety lamp shall subsequently be allowed or used, except with the written consent of the Chief Inspector.

### Explanation

Where the ventilation in a mine is not mechanically controlled, the ventilating district shall be deemed to include the whole mine. Where the ventilation in part only of a mine is not mechanically controlled, the whole of the part in which ventilation is not mechanically controlled shall be deemed to be a single ventilating district.

124. Notwithstanding anything contained in regulation 123, fixed electric lights from power mains may be used in any part of a mine which is not within 600 feet of any working face, provided such installation complies with the rules made under the Indian Electricity Act, 1910, relating to the use of electric energy in parts of mines in which inflammable gas is likely to occur in quantity sufficient to be indicative of danger.

125. In any mine in which inflammable gas has been found during the previous twelve months, no advance gallery shall be driven more than ten feet ahead of the widened gallery and in every such gallery the ventilating current shall be conducted as near to the working face as is practicable.

126. All safety lamps in ordinary use shall be numbered and such record shall be kept of the persons to whom the lamps are issued that the user of any particular lamp can at any time be identified from the record.

127. In every mine or part of a mine in which the use of safety lamps is for the time being required by or in pursuance of these regulations, the following provisions shall have effect namely :—

- (a) A competent person shall be appointed in writing by the manager to clean, trim, examine, and lock securely all such lamps before they are taken into the workings for use, and such lamps shall not be issued for use until they have been so examined and found to be in safe working order and securely locked.
- (b) A competent person appointed in writing by the manager for the purpose shall examine every safety lamp at the surface immediately before it is taken underground for use and shall assure himself, as far as practicable, from external observation that each lamp is in safe working order and securely locked. The person so appointed shall not be the banksman except in a mine where the number of persons employed underground is not more than 50 at any one time.
- (c) No safety lamp shall be unlocked except at the appointed lamp-station.
- (d) A competent person appointed in writing by the manager for the purpose shall examine every safety lamp on its being returned, after use underground. If on such examination any lamp is found to be damaged or misused, he shall record the nature of the damage or misuse in a book to be kept at the mine for the purpose. Every new entry in the book shall be shown to the manager without delay.
- (e) The manager or a competent official appointed in writing by the manager for the purpose, other than the persons referred to clauses (a) and (b) of this regulation, shall examine thoroughly all safety lamps in use at a mine at least once in every week, and shall record the result of his examination in a book kept at the mine for the purpose. If any lamp is found to be defective, it shall not be reissued for use until the defect has been remedied."
- (f) No person, unless he has been authorised in writing by the manager either for the purpose of examining or relighting safety lamps, shall have in his possession any contrivance for opening the lock of a safety lamp.
- (g) No person, shall have in his possession any unlocked safety lamp or naked light, and if it appears to any person that any safety lamp in his possession is defective or insecure he shall at once carefully extinguish

the flame and report the fact to the sirdar, overman or manager.

- " (h) No glass of an approved flame safety lamp shall be replaced except by a flame lamp glass manufactured by such firm and of such type and satisfying such conditions as the Chief Inspector may from time to time specify by notification in the Gazette of India.
- (i) No bulb of an approved electric lamp shall be replaced except by an electric lamp bulb manufactured by such firm and of such type and satisfying such conditions as the Chief Inspector may from time to time specify by notification in the Gazette of India."

#### Explanation

For the purposes of this regulation the term "manager" includes an under-manager and any person for the time being carrying on the duties of the manager.

128. Where the use of safety lamps is for the time being required by or in pursuance of these regulations, one or more lamp stations for lighting or relighting the lamps shall be fixed by the manager at the entrance to the mine or part of the mine, as the case may require. No such lamp station shall be in a return airway. Every such lamp station shall be in charge of a person authorised in writing by the manager.

129. No person other than a person authorised by the manager to examine and lock safety lamps shall either himself take or give out for use any safety lamp.

130. No person shall wilfully, damage, or improperly use, or by improper means extinguish, any safety lamp, and no one except a person duly authorised by the manager in that behalf shall unlock or open or attempt to unlock or open any safety lamp.

131. Any person discovering the presence of inflammable gas in his working place shall immediately withdraw therefrom and inform the sirdar, overman or manager.

132. In any underground part of a mine where adequate stationary lights are not in use, every person shall carry a light.

133. No person shall leave a light in any underground part of a mine unless and until he has placed it in charge of some person remaining therein.

134. Every person after passing through a door or brattice-cloth shall at once close it.

" 135. (1) In every mine or part of a mine in which the use of safety lamps is for the time being required by or in pursuance of these regulations no person shall have in his possession any match, smoking apparatus or any apparatus of any

kind for striking a light except such apparatus for the purpose of shot firing or relighting lamps as the Chief Inspector may by general or special order in writing authorise in this behalf.

(2) A competent person appointed in writing by the manager for the purpose shall search all persons employed below ground immediately before they enter such mine or part of a mine for the purpose of ascertaining whether they have in their possession any article of the nature described in sub-regulation (1).

(3) The person conducting the search shall—

(a) search or turn out all pockets ;

(b) pass his hand over all clothing ; and

(c) examine any article in the possession of the person searched.

(4) If the person conducting the search suspects that the person searched is concealing any article of the nature described in sub-regulation (1), he shall detain him and as soon as possible refer the matter to the manager or other official authorised by the manager for the purpose who shall not allow such person to enter the mine until he is satisfied that the person has no such article in his possession."

136. After such date as the Chief Inspector may fix for any mine in view of the special circumstances thereof, there shall, in every mine in which a mechanical contrivance for ventilation is used, be provided and maintained, in a condition to be put into immediate operation, adequate means for reversing the air current.

## CHAPTER XI.

### FENCINGS AND GATES

137. (1) Every entrance to a mine from the surface, and the top and all entrances between the top and the bottom, including the sump (if any), of every working, ventilating, or pumping shaft, and the top of every open excavation, shall be kept properly fenced :

Provided that any fence may be temporarily removed for the purpose of repairs or other operations, if proper precautions are used.

(2) Shafts and quarries temporarily or permanently out of use and any place in or about an excavation which is dangerous shall be kept properly fenced.

138 (1) Every entrance to a mine from the surface, by which the mine can be entered on foot, if it is regularly used as a travelling or haulage road, shall be provided with a gate, which shall be kept closed and locked when there are no per-

sons under ground in the mine, and shall be so constructed as to prevent effectually, when closed, the entrance of persons into the mine.

(2) Every entrance to a mine from the surface, by which the mine can be entered on foot, if it is not regularly used as a travelling or haulage road, shall be permanently closed or kept properly fenced, across the whole width of the entrance.

(3) Gates and fences at entrances to mines shall be so constructed as not to prevent egress in case of emergency.

139. Every entrance to any place in a mine which is not in actual use or course of working or extension, shall be kept properly fenced across the whole width of the entrance, and every such fence shall be so constructed as effectually to prevent persons from entering such place inadvertently.

140. (1) Where any place in a mine is found to be dangerous, all approaches to the place shall be kept securely fenced off so that it cannot be entered inadvertently.

(2) Where it is necessary to prevent danger to the public, every tank or reservoir shall be securely fenced.

141. Every fly-wheel and all exposed and dangerous parts of the machinery of whatever kind used in or about a mine shall be kept securely fenced, guarded or cased in such a manner as may be necessary to prevent accident.

## CHAPTER XII.

### MISCELLANEOUS.

142. If any person in charge of any machinery, apparatus or appliance used in or about a mine, observes any defect or dangerous flaw therein, he shall immediately report the fact to the manager, under-manager or engine-wright, or other responsible official.

143. Every person shall strictly comply with all lawful orders issued by the manager or such other official as may be empowered by the manager to issue the same.

144. No person who has been appointed by the manager in writing for a specific duty shall depute another person to do his work without the sanction of the official to whom he is subordinate; and no such person shall absent himself without having previously obtained permission from such official for the term of his absence or without having been relieved by another person appointed as aforesaid.

145. No person who has been appointed in writing by the manager for a specific duty shall sleep whilst on duty.

146. No person shall negligently or wilfully do anything likely to endanger life or limb in the mine, or negligently or

wilfully omit to do anything necessary for the safety of the mine or the persons employed therein.

147. No person shall damage, destroy or improperly interfere with anything provided for or used in the working of the mine.

148. No person shall remove or pass through any fence, or remove or pass any danger-signal, unless specially so authorised by the manager or an officer empowered by the manager in that behalf.

149. A competent person or persons appointed by the manager for the purpose shall keep a correct record of the number of persons going under ground daily and returning from under ground daily and, if required by the manager every person shall immediately before going under ground and after returning from under ground record his presence in accordance with any system approved for the mine by the Chief Inspector or an Inspector :

Provided that this regulation shall not apply in the case of any person appointed to carry out duties of superintendence, management or control.

150. When wagons are about to be moved, persons likely to be endangered shall be warned by the persons in charge of the work.

151. The movement of railway wagons by gravity or manual power shall only be carried on under the direct supervision of a responsible male person who shall either himself control the brake or depute a competent person to do so. Where more wagons than one are being moved at the same time the wagons shall be coupled together. Persons employed in moving wagons shall do so only by pushing from behind the last wagon.

152. If any person required by these regulations or by any rule or bye-law to make any report is unable to write, he shall be present when his report is written for him, and shall have it read over to him, and shall attach his thumb-mark to it. The person writing the report shall also sign his name at the end together with a statement that it has been read over to the person for whom it was written.

153. The fees payable under regulations 42 (1), 43 (2), 44 and 71 (2) shall be paid directly into the Treasury or a branch of the Imperial Bank of India, and the receipt of the Treasury or Bank shall be sent to the Chief Inspector along with the application to which the fee relates. An application unaccompanied by such receipt shall be rejected. The fees payable under regulation 50 (3) shall be paid direct into the Treasury or a branch of the Imperial Bank of India, but such payment need not be made until the application to which the fee relates has been accepted.

**THE SCHEDULE I.****FORM I.**

[SEE REGULATION 3 (1).]

**Monthly return of coal raisings and coal despatches for  
the month 19 .**

1. Name of mine.
2. Name of owner.
3. Postal address of owner.
4. Raisings of coal of all kinds (including colliery consumption and coal used for coke making). Tons.
5. Despatches of coal. Tons.
6. Signature of owner, agent or manager.

Dated

**FORM II.**

[SEE REGULATION 3 (2).]

**Annual return for the year ending on the  
31st December 19 .**

1. Name of mine.
2. Postal address of mine.
3. Date of opening.
4. Date of closing (if closed).
5. Situation of mine { District.  
Province.
6. { Name of owner.  
Postal address of owner.
7. { Name of Managing Agents (if any).  
Postal address of Managing Agents (if any).
8. { Name of Agent (if any) as defined in Section 3 (a) of  
the Indian Mines Act.  
Postal address of Agent.
9. { Name of Manager.  
Postal address of Manager.
10. Means by which coal is raised from the mine, i.e., hand labour, mechanical or electrical power.

**FORM II-A.**

[See Regulation 3 (4).]

Week selected by the Chief Inspector February  
to 19 .

Day to which this return relates February

19 .

PART I.

Total number of persons attending work on the day shown above.

Classification.

A.—Underground (i.e., in places lying beneath the superjacent ground).

Males.

B.—Open workings (i.e., in workings of the mine (including quarries) which are not situated beneath the superjacent ground.)

I. Males.

II. Females.

C.—Surface (i.e., not in the workings of the mine, including all subordinate officials and persons employed on sidings, loading wharves, private railways and surface tramways and also in carting).

I. Males.

II. Females.

PART II.

Total number of persons who ordinarily work in the mine but were prevented by sickness or other cause from attending work on the day shown above.

Classification.

A.—Underground (i.e., in places lying beneath the superjacent ground).

Males.

B.—Open workings (i.e., in workings of the mine (including quarries) which are not situated beneath the superjacent ground).

I. Males.

II. Females.

C.—Surface (i.e., not in the workings of the mine, including all subordinate officials and persons employed on sidings, loading wharves, private railways and surface tramways and also in carting).

I. Males.

II. Females.

I certify that the total number of persons attending work was not higher on any other day of the week selected by the Chief Inspector.

*Owner, agent or manager.*

*Dated the*

*19 .*

NOTE.—Where males are employed in both underground and open workings, the figures relating to them should be included under Section A.

Name of Mine.

Name of Owner.

Postal address of Owner.

Signature of Owner, Agent or Manager.

Date



## FORM III

[SEE REGULATION 8, (2).]

Persons employed during the year ending on 31st December 19 ,  
and wages paid for work done in December 19 .

Classification	Aggregate number of daily attendances during the year of persons permanently and temporarily employed	Number of days worked during the year	Daily average number of persons employed as calculated by dividing the aggregate number of attendances by the number of days worked during the year	Average hours worked per week during the year	Aggregate number of daily attendances in December	Total amount paid in wages for work done in December	Average daily earnings in December as calculated by dividing the amount in column 6 by the number of attendances in column 5
<i>A.—Underground (i.e., in places lying beneath the super-jacent ground).</i>	2	3	4	5	6	7	8
Males:—							
Overmen and/or sirdars							
Coal Cutters							
Loaders							
Skilled labour not included above							
Unskilled labour not included above							
Total (males)							
<i>B.—Open workings (i.e., in workings of the mine (including quarries) which are not situated beneath the super-jacent ground).</i>							
I. Males:—							
Overmen and/or sirdars							
Coal Cutters							
Loaders							
Skilled labour not included above							
Unskilled labour not included above							
Total (males)							
II. Females							

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## FORM III—Continued,

Classification	Aggregate number of daily attendances during the year of persons permanently and temporarily employed	Number of days worked during the year	Daily average number of persons employed as calculated by dividing the aggregate number of attendances by the number of days worked during the year	Average hours worked per week during the year	Aggregate number of daily attendances in December	Total amount paid in wages for work done in December	Average daily earnings in December as calculated by dividing the amount in column 7 by the number of attendances in column 6
1	2	3	4	5	6	7	8
C.—Surface (i.e., not in the workings of the mine, including all subordinate officials and persons employed on sidings, loading wharves, private railways and surface tramways and also in carting).							
I. Males:—							
Clerical and supervising staff (excluding the superior supervising staff) ...							
Skilled labour ...							
Unskilled labour ...							
Total (males) ...							
II. Females							

Note (1).—Where persons are employed in both underground and open workings, the figures relating to them should be included under section A.  
 Note (2).—Where workmen are paid through contractors, the sums entered in column 7 should be the sums paid by the contractors to the workmen, so far as these can be ascertained.

## FORM IV

[SEE REGULATION 3 (2).]

## Accidents &amp; Prosecutions.

NUMBER OF SEPARATE ACCIDENTS* REPORTED DURING THE YEAR			NUMBER OF PERSONS		Number of prosecutions instituted by the management, with the sections and rules under which the prosecutions were instituted	Number of persons convicted with the sections and rules under which the convictions were obtained
Fatal	Serious	Total	Killed	Seriously injured		
1	2	3	4	5	6	7

\*Accidents, which were reported as serious accidents but resulted fatally, should be entered as fatal accidents.

## FORM V

[SEE REGULATION (3) 2.]

## Epidemic Diseases.

Name of disease *	Date of appearance	Date of disappearance	Number of cases	Number of deaths
Cholera	...			
Plague	...			
Small-pox	...			
Influenza	...			

\*Figures for any other specified disease which has been epidemic at the mine should be entered in this form.

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FORM VI.

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[SEE REGULATION 3 (2).]

Type and aggregate horse-power of electrical apparatus.

1.—System of supply (whether continuous current or alternating current)—  
Voltage of supply  
Periodicity  
Source of supply

2.—Voltage at which current is used for—  
Lighting  
Power

3.—Aggregate horse-power of motors installed on surface for—  
Winding  
Ventilation  
Haulage  
Coal washing or screening  
Miscellaneous

Total horse-power ..

4.—Aggregate horse-power of motors installed under ground for—  
Haulage  
Pumping  
Portable machinery  
Miscellaneous

Total horse-power ..

5.—Total horse-power (addition of 3 and 4)

**[SEE REGULATION 3 (2)]**

**Explosives, safety lamps, mechanical ventilators, and coal-cutting machines.**

[illegible]

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## FORM VIII

[SEE REGULATION 3 (2).]

Output for year ending on the 31st December 19 ..

.....	Opening stocks on 1st January 19 ..	Raisings (including colliery consumption and coal used for coke-making)	Total value of raisings ("Value" means, and should be calculated upon actual or estimated selling price into wagons at the mine)	Total of columns 2 and 3	Colliery consumption (exclusive of coal used for coke-making)	Coal delivered for coking on colliery	Closing stocks on 1st December 19 ..	Total of columns 6, 7, 8 & 9
1	2	3	4	5	6	7	8	9
Coal, including rubble, slack and dust,	Tons	Tons	Ra.	Tons	Tons	Tons	Tons	Tons

### Coal despatched to coke factories

Note.—The total in column 5 must be the same as the total in column 10.  
The figures should be in tons and rupees, omitting cwt.s. and annas.

.....	Opening stocks	Coke made	Total of columns 1 and 2	Coke despatched	Colliery consumption	Closing stocks	Total of columns 4, 5 and 6	Total value of coke made. ("Value" means and should be calculated upon, actual or estimated selling price into wagons at the mine).
	1	2	3	4	5	6	7	8
Coke (hard)	Tons	Tons	Tons	Tons	Tons	Tons	Tons	Rs
Coke (soft)	..							

Note.—The total in column 8 must be equal to the total in column 9.

Note.—The total in column 3 must be the same as the total in column 7.  
The figures should be in tons and rupees, omitting cwt.s. and annas.

Signature of Owner, Agent or Manager  
Date of signature  
(If the form is signed by Managing Agents the words "for owner" should be added).

**FORM IX**  
[See Regulation 13.]  
**Notice of occurrence**

From \_\_\_\_\_

To—The Chief Inspector of Mines. in India,

(through the <sup>District</sup>  
Sub-Divisional Magistrate of

.....)

Dated

19 .

Sir,

I have the honour to furnish the following particulars of an

a fatal accident

a serious accident

occurrence of an accidental explosion or ignition at the \_\_\_\_\_ Mine.

an outbreak of fire

smoke or other indication of outbreak of fire

an influx of noxious gases

an irruption of water

1. Situation of the mine (Village Station, District, Province.)

2. Name and postal address of owner

3. Particulars of persons killed and injured if any—

Name	Sex	Killed or Injured	Age	Occupation

4. Date and hour of the occurrence.

5. Place of the occurrence.

6. Cause and description.

7. Classification of accident.\*

8. Nature of injury, if any, and, if fatal, cause of death.

I have the honour to be,

Sir,

Your most obedient servant,

Owner

Agent

Manager

\* Under one or other of the following heads, namely:

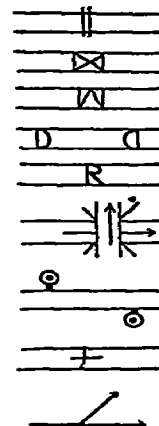
(1) Explosions and ignitions of fire damp; (2) explosions of coal-dust; (3) falls of roof; (4) falls of sides; (5) in shafts (overwinding); (6) in shafts ropes and chains breaking; (7) in shafts (while ascending or descending by machinery); (8) in shafts (falling down shaft); (9) in shafts (things falling down shafts); (10) in shafts (miscellaneous); (11) suffocation by gases; (12) by explosives; (13) irruptions of water; (14) hailage; (15) by underground machinery; (16) sundries underground; (17) by surface machinery; (18) boilers or pipes bursting; (19) on surface railways or tramways belonging to the mine; (20) by electricity; and (21) miscellaneous on surface."

**SCHEDULE II.**

[See Regulation 15 (3-A).]

**CODE OF SIGNS**

BRICK, STONE, OR CONCRETE VENTI-			
LATION STOPPINGS	..	..	
FIRE DAMS OR SEALS	..	..	
WATER DAMS	..	..	
DOORS	..	..	
REGULATORS	..	..	
AIR CROSSINGS	..	..	
TELEPHONES	..	..	
UNDERGROUND AMBULANCE STATION			
IN RED	..	..	
DIRECTION OF AIR CURRENT	..	..	



**Indian Mines Act, 1923**

**INDIAN METALLIFEROUS MINES REGULATION, 1923.**

"No. M. 1055 (2), dated Simla the 8th September 1926.

In exercise of the powers conferred by section 29 of the Indian Mines Act, 1923 (IV of 1923), and in supersession of the rules published with the notifications by the Government of India in the Department of Commerce and Industry, No. 11793/103, dated the 30th December 1908, and No. 6436/152, dated the 2nd September 1911, and of all notifications amending those rules, the Governor General in Council is pleased to make the following regulations, the same having been previously published as required by sub-section (1) of section 31 of the said Act namely :—

**REGULATIONS FOR ALL MINES EXCEPT COAL MINES**

1. (1) These regulations may be called the Indian Metalliferous Mines Regulations, 1926.

(2) They extend to the whole of British India including Berar.

(3) They shall apply to every mine of whatever description other than a coal or an oil mine.

2. In these regulations, unless there is anything repugnant in the subject or context—

(a) "the Act" means the Indian Mines Act, 1923 ;

(b) "the District Magistrate", in relation to any mine, means the District Magistrate of the district in which the mine is situated :



Provided that in the case of a mine which is situated partly in one district and partly in another, the District Magistrate for the purposes of these regulations shall be the District Magistrate authorised in this behalf by the Central Government.

(c) "Form" means a Form as set out in the Schedule ;

(d) "Schedule" means the Schedule to these regulations.

## CHAPTER I.

### RETURNS, NOTICES AND RECORDS

3. (1) On or before the 21st day of January in each year the owner, agent or manager of every mine shall forward to the District Magistrate and to the Chief Inspector annual returns in respect of the preceding year in the following Forms :—

Mica Mines .. In Forms I, II, III, IV, VI and VII.

Mines other than Mica Mines .. In Forms I, II, III, IV, V, VI and VIII.

(2) If any mine is abandoned or the working of any mine has been continued over a period exceeding three months or if a change occurs in the ownership of any mine the returns required by sub-regulation (1) shall be submitted, within one month from the date of abandonment or change of ownership or within four months from the date of discontinuance :

Provided that the Chief Inspector may by order in writing extend the period for the submission of such returns up to any date not later than the twenty-first day of January in the year following that to which they relate :

Provided further that nothing in this sub-regulation shall be deemed to authorise the submission of any return later than the twenty-first day of January in the year following that to which it relates.

4. The notice required by section 14 of the Act shall be furnished in duplicate, and shall specify the name and situation of the mine, the names and addresses of the owner and the manager, and, in the case of a new mine, the date on which it was opened. The District Magistrate shall on receipt of the notice forward one copy thereof to the Chief Inspector.

When a mine has been abandoned, or the working thereof has been discontinued over a period exceeding two months, the owner of the mine shall, within one month after the abandonment or within seven days after the expiry of the said period, as the case may be, send to the Chief Inspector notice in writing specifying the name and situation of the mine, the name and address of the owner, and the date and cause of the abandonment or discontinuance.

6. When a mine is re-opened after abandonment or discontinuance, the owner, agent or manager shall, within one month after the date of the re-opening, send to the District Magistrate notice in writing in duplicate, specifying the name and situation of the mine, the names and addresses of the owner and the manager, and the date of the re-opening. The District Magistrate shall on receipt of the notice forward one copy thereof to the Chief Inspector.

7. When a change occurs in the name of, or in the ownership of, a mine, notice in writing of the change and of the date thereof shall be sent by the owner, agent or manager to the Chief Inspector within one month from the date of the change.

8. When any new appointment is made of an agent or manager of a mine, or any change of address of any agent or manager occurs, notice of the appointment or change and of the date thereof shall be sent by the owner, agent or manager to the Chief Inspector within one month from the date of the appointment or change.

9. When the ownership of a mine is transferred, the previous owner or his agent or manager shall make over to the new owner all plans, books and other records required to be kept under the Act, and all correspondence relevant to the working of the mine with the Department of Mines and other Government departments.

10. If the owner, agent or manager of any mine intends to conduct or extend any mining operations under his control at or to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act, 1890, or of any public work in respect of which this regulation is applicable by reason of any general or special order of the Central Government under clause (u) of section 29 of the Act, he shall not less than sixty days before commencing such operations give notice of his intention to the Chief Inspector and also, in the case of a railway to the Railway Administration concerned or, in the case of any such public work as aforesaid to such authority as the Central Government may by general or special order direct.

11. If the operations in respect of which notice is given under regulation 10 are not commenced within twelve months from the expiry of the period of sixty days therein referred to, the notice shall be held to have lapsed and the provisions of that regulation shall apply as if no such notice had been given.

12. The notice to be given under regulation 10 shall specify the position of the workings of the mine in relation to the railway or public work in question, the manner in which it is proposed to carry out the intended new operations, and the limits to which it is proposed to carry the said operations, and shall

include a plan showing the existing and the intended mining operations in so far as they affect the railway or public work in question.

13. When any accident occurs in or about a mine causing loss of life or serious bodily injury, or when an accidental explosion, ignition, outbreak of fire or irruption of water occurs in or about a mine, the owner, agent or manager of the mine shall forthwith inform the Inspector by telephone or telegraph, and shall also, within twenty-four hours of the occurrence of such accident, explosion, ignition, outbreak or irruption send notice thereof in Form IX to the District Magistrate or to the Sub-divisional Magistrate, who shall forward it to the Chief Inspector.

14. If death results from any injury reported as serious under regulation 13 the owner, agent or manager of the mine shall, within twenty-four hours of his being informed of the death, send notice thereof to the District Magistrate or to the Sub-divisional Magistrate, who shall forward it to the Chief Inspector.

## CHAPTER II\*.

### PLANS

15. (1) The following provisions in respect of plans shall apply to all mines for gold, manganese, copper, lead, tin, and wolfram and to such other mines or parts of mines or classes thereof as the Central Government may, by notification in the *Gazette of India*, specify.

(2) Nothing in this regulation shall be deemed to apply to any mine in which the workings do not extend under the superjacent ground or to any mine in which excavation is being made for prospecting purposes only :

Provided that the Chief Inspector may direct that this regulation shall apply to any such mine to such extent as he may think fit.

16. The owner, agent or manager of every mine shall keep in the office at the mine an accurate plan and section or sections, properly inked in on durable paper, of the workings of the mine on a scale of not less than 100 feet to 1 inch, showing the workings up to a date not more than six months previously. The name of the mine and of its owner and the scale shall be shown on the plan and sections, and the magnetic meridian with date shall be shown on the plan. The plans and sections shall also show all shafts, drives, crosscuts, winzes, rises, excavations (stoped ground), and any tunnels and passages connected therewith.

\* Chapter made applicable to all mines in which workings beneath the superjacent ground extended to a distance exceeding 100 feet from the entrance of the mine. G. of B. Gaz. Part I p. 2036-7 of 14/8/30.

They shall also show the boundaries of the underground leasehold, where possible, and all important surface features within the boundaries such as railways roads, rivers, streams and reservoirs which overlie any part of the workings or any point within 600 feet of any part of the mine workings : also the general strike of the veins or mineral deposits, with their dips at different points, and the dislocations of the strata.

17. The owner, agent or manager of every mine shall, at any time on the request of the Chief Inspector or of any Inspector, produce to him at the office at the mine such plans and sections and also, on the like request, mark, on such plans and sections the then state of the workings of the mine ; and the Chief Inspector or Inspector shall be entitled to examine the plans and the sections, and for official purposes to make or have a copy made of any part thereof respectively.

18. Where any mine or any considerable part of a mine is abandoned, or the working thereof has been discontinued over a period exceeding one year, the person who was the owner of the mine at the time of the abandonment or discontinuance shall, within three months after the abandonment or within fifteen months after the discontinuance of working, as the case may be, send to the Chief Inspector accurate plans and sections of the workings of the mine up to the time of the abandonment or discontinuance, or a true and accurate copy of the same :

Provided that if a change of ownership occurs after the abandonment or discontinuance and before the expiry of the three months or the fifteen months aforesaid, as the case may be, such plans and sections shall be sent forthwith.

19. After the expiry of ten years from the date of abandonment or discontinuance of working in any mine or in any considerable part of a mine, or, where the consent of the owner of the mine for the time being has been obtained, prior to the expiry of the said period, the Chief Inspector may, on such conditions as he thinks fit to impose, permit any person having interest in the said mine or part of a mine to inspect the plan or section of such mine or part of a mine sent to him in accordance with the provisions of regulation 18 ; and he may further, on such conditions as he thinks fit to impose, supply to any such person copies of the like plan or section.

### CHAPTER III.

#### MANAGEMENT

20. For every mine a book, to be called the Inspection Book, shall be kept in which Inspectors may record their observations.

The owner, agent or manager shall write or cause to be written at the commencement of the book :—

- (a) the name of the mine,
- (b) the name and address of the owner of the mine and of the agent, if any,
- (c) the name and address of the manager of the mine.

21. (1) The owner or agent of a mine shall appoint a competent person of not less than 21 years of age to be manager of the mine. If any question arises whether any person so appointed is competent to perform the duties of manager, the decision of the Chief Inspector shall be final.

(2) One person may be appointed manager of more mines than one, provided that the size of such mines and the distance between them is not so great as to preclude the proper and thorough performance by such manager of his duties in respect of each such mine. The decision of the Chief Inspector shall be final on any question arising out of this regulation.

(3) Where by reason of absence or for any other reason the manager is unable to perform the duties required of him by the Act, regulations, rules and bye-laws, the owner, agent or manager shall authorise in writing a person, whom he considers competent to act as manager of the mine :

Provided that—

- (a) no such authority shall have effect for a period in excess of one month ;
- (b) the owner agent or manager, as the case may be, shall send to the Chief Inspector with the least possible delay, a written notice intimating that such an authorisation has been made, and stating the reason for the authorisation, the qualifications and experience of the person authorised and the dates of the commencement and ending of the authorisation ; and
- (c) the Chief Inspector may by order in writing revoke any authority so granted, and such order shall be final.

(4) No person shall be appointed to carry out the inspection required by regulation 43 unless he has attained the age of 21 years and has had sufficient practical experience of the working of mines. If any question arises whether the person so appointed is competent to carry out the duties required of him, the decision of the Chief Inspector shall be final.

#### CHAPTER IV.

##### SHAFTS AND OUTLETS

22. Where any part of a mine is so situated that there is any danger whatever of an irruption of surface water into the mine

adequate protection against such an irruption shall be provided and maintained.

23. (1) At every mine where more than 20 persons are employed underground, or where in the opinion of the Chief Inspector it is necessary there shall be at least two shafts or outlets, not nearer to one another than 20 feet, affording separate means of ingress and egress available to all the persons employed in the mine.

(2) Proper arrangements shall be made for persons to descend to, and ascend from, the mine at each of such shafts, or outlets. If apparatus is necessary, it shall be kept on the works belonging to the mine and shall be constantly available for use.

(3) The foregoing provisions of this regulation with respect to shafts and outlets shall not apply—

- (i) while a shaft is being sunk or an outlet is being made ;
- (ii) to any working for the purpose of making a communication between two or more shafts or outlets.

(4) The Chief Inspector may exempt from the operation of this regulation, subject to such conditions as he may think fit to impose, any mine in the case of which special difficulties exist which in his opinion make compliance with the provisions of this regulation not reasonably practicable.

## CHAPTER V.

### RAISING AND LOWERING PERSONS OR MATERIALS

24. At every shaft or incline where persons or materials are lowered or raised by means of machinery the following provisions shall have effect, namely :—

- (a) A single linked chain shall not be used for lowering or raising persons in any working shaft or plane, except for the short coupling chain attached to a cage, skip, wagon or bucket.
- (b) Ropes used in raising and lowering persons and all cap-pings or sockets and shackles shall be of the best materials and kept in good condition. The working load shall at no time be more than one-sixth of the breaking load of the rope. A similar spare rope shall always be kept in reserve at mines where there is only one hoisting shaft.
- (c) There shall be attached to every machine worked by mechanical power, and used for raising and lowering persons, one or more brakes of sufficient power by themselves to hold the cage, skip, wagon or bucket, when loaded, at any point in the shaft and a proper indicator (in addition to any mark on the rope) showing to the

person who works the machine the position of the cage, skip, wagon or bucket in the shaft ; and if the drum is not on the crank shaft, there shall be an adequate brake on the drum shaft :

Provided that in the case of a shaft or winze not exceeding 100 feet in depth or a shaft or winze in course of sinking so much of this clause as requires an indicator shall not apply.

- (d) Every apparatus on or in which person ride in a working shaft shall be provided with a sufficient cover overhead, except—
  - (i) in that portion of a shaft which is being extended by sinking, or
  - (ii) where persons are employed at work in a shaft.
- (e) Every working shaft used for the purpose of drawing mineral or for lowering or raising persons shall, if exceeding 150 feet in depth, be provided with proper means of communicating distinct and definite signals from the bottom of the shaft, and from every entrance for the time being in use between the surface and the bottom of the shaft, to the surface, and from the surface to the bottom of the shaft and to every entrance for the time being in use between the surface and the bottom of the shaft. There shall also be proper means of transmitting distinct and definite signals from the top of every winding shaft to the winding engine. All signals shall be transmitted by mechanical or electrical means.
- (f) (i) The first three or principal signals shall be—
 

One rap or bell ..	.. RAISE when engine at rest.
One rap or bell ..	.. STOP when engine in motion.
Two raps or bells ..	.. LOWER.
Three raps or bells ..	.. MEN ready to ascend or descend.
Three raps or bells ..	.. IN REPLY. Men may enter the cage or other conveyance :

Provided that an alternative code may be used where the written permission of the Chief Inspector has been obtained.

- (ii) Any other signa's shall be in addition to, and shall not interfere with, the foregoing.
- (iii) A printed copy of the code of shaft signals shall be posted at the shaft top and at every inset, and also at the winding engine.
- (g) Every working shaft used for lowering or raising persons by machinery, other than machinery operated by hand labour, shall, if it exceeds 150 feet in depth, be

provided with guides to within not less than 100 feet from the bottom of the shaft.

(h) Adequate stationary lights shall be provided and used during working hours:—

- (1) at all places where persons have to work underground in the immediate vicinity of shafts, and at after dark at the tops of all working shafts and all winding engines used for raising and lowering persons.
- (2) There shall be on the drum of every machine used for lowering or raising persons such flanges, horns or other appliances as may be sufficient to prevent the rope from slipping. The rope shall be securely fastened to the drum, and there shall be at least two turns of the rope on the drum when the cage, skip, bucket or box is at the bottom of the shaft.

(i) Every cage shall be provided with catches or some other suitable contrivance to prevent tubs from falling out, and shall, if used for lowering or raising persons, be covered in completely at the top and closed in at the two sides in a manner sufficient to prevent persons or things from projecting beyond the sides, and shall be provided with suitable gates or other rigid fences and with a rigid hand bar fixed in a position where it can be easily reached by all persons in the cage.

(j) The manager, or a competent person or persons appointed by the manager for the purpose shall, once at least in every 24 hours, examine the state of the external parts of the machinery and of the head-gear, ropes, chains, cages, guides, and conductors in the shafts and other similar appliances of the mine which are in actual use, both under ground and above ground, and, if more than 20 persons are employed in the mine simultaneously, shall without delay write or cause to be written a full and accurate report of the result of such examination. Every such report shall be recorded in a paged book to be kept at the mine for the purpose, and shall be signed and dated by the person who made the examination.

25. No person shall get on or off a cage, skip, tub or bucket used for lowering or raising persons after the same has been set in motion, or leave it until it has reached the appointed stopping place; nor shall any person ride on the top or edge of any cage, skip, bucket or box except when engaged upon work in the shaft.

26. No person, when ascending or descending a shaft, shall take with him any tools or other bulky materials, save when en-



gaged in repairing the shaft or when otherwise specially authorised by the manager.

Provided that, in the case of tools only, the manager may, by general order, permit the same to be carried.

27. No person shall ride in a shaft on, or against, a loaded cage, skip, bucket or box.

28. Every person, when at or about the top or the bottom of a shaft, shall obey the orders and directions of the shaft attendants on duty at the time.

29. Every windlass, whim or whip in use at a shaft or winze shall be provided with a stopper, lynch peg, or other reliable holder.

30. The bucket, skip or any wagon in the cage shall not be filled up to such a height that any of the contents can fall out, and the bottom of the cage shall be kept clean.

31. When tools, wood, etc., with ends projecting over the top of the cage, skip or bucket are being lowered or hoisted, the projecting ends shall be securely fastened to the rope or bow.

32. Not more than such number of persons as may be authorised by the manager shall be allowed to ride in the same cage, tub, skip or bucket at one time and a notice specifying the authorised number shall be posted at the top of every shaft and at every inset in a shaft.

33. When the winding apparatus is not provided with some automatic contrivance to prevent overwinding, a point shall be fixed and marked on the indicator in such a way as to show when the cage or other conveyance is within a distance of twice the circumference of the drum from the completion of the wind; and when such cage or conveyance has reached such distance it shall not, if either it or the descending cage contains persons, be raised for the remaining distance at a speed exceeding three miles per hour.

34. In shafts exceeding 300 feet in depth, where persons are raised or lowered by machinery, suitable devices shall be fitted if, in the opinion of the Chief Inspector, such are required to provide against the overwinding of cages, skips or other conveyances or to safeguard persons liable to be injured in the case of an overwind.

35. At the top of every incline on which the haulage, not being endless rope or endless chain haulage, is worked by mechanical power or gravity there shall be stop-blocks or other similar contrivances to prevent wagons from running away. Additional stop-blocks or runaway switches, or some other appliance for arresting or diverting the descent of wagons in the event of a runaway, shall be fixed below the first stop-blocks at a greater distance than the length of a train of wagons. There shall also

be provided and attached behind the ascending wagon or train of wagons a backstay, drag or other suitable contrivance for preventing the wagon or wagons from running back.

36. Where wagons are moved by hand no person shall permit a wagon to run uncontrolled, and, if sprags are necessary, a sufficient number shall be provided by the manager.

37. No person shall ride upon any tub, truck or wagon either under ground or above ground without the permission of the manager.

## CHAPTER VI.

### MINE WORKINGS

38. The sides of open workings shall be sloped, stepped or secured in such a manner as to prevent danger from falls of material.

39. When an open working is worked in steps, steps shall be of sufficient breadth in comparison with their height to secure safety.

40. In open workings, trees liable to fall, the overburden, and all loose ground and material, shall be removed sufficiently far from the edge, or otherwise made secure, in order to prevent danger to persons employed in the mine.

41. The roofs and sides of all travelling roads and working places shall be made and kept secure.

41-A. Every footpath along which loads are carried in open workings by human agency shall comply with the following requirements—

- (a) its breadth shall not be less than three feet ;
- (b) its slope shall not be greater than 1 vertical to 2 horizontal ;
- (c) at every place where its slope exceeds 1 vertical to 4 horizontal reasonably level steps shall be provided such that the vertical height of every step does not exceed seven inches and the dimension of every step measured horizontally from the edge to the back is not less than fourteen inches.

#### Explanation

Gang planks used for loading wagons shall not be deemed to be part of a footpath for the purposes of this regulation ; provided that every gang-plank shall be so inclined or constructed as to give a secure foot-hold.

41-B. Where women are employed in carrying loads, the weight of the loads and the height and distance to which they have to be carried shall not be such as to involve risk of injury

to the health of the women. If any dispute arises as to whether risk of injury to health is involved, the decision of the Chief Inspector shall be final."

42. Where the ground is not safe, all shafts in use shall be made secure with suitable timber-work or other means of support.

43. (1) A competent person or persons appointed for the purpose by the manager or underground manager shall inspect, at least once in every shift, every part of the mine in or through which any person has to work or pass, for the purpose of ascertaining the condition thereof as far as ventilation, roof, sides and general safety are concerned, and, if more than 20 persons are employed in the mine simultaneously, shall without delay write or cause to be written a full and accurate report of the result of such inspection in a book to be kept at the mine for the purpose, and shall sign and date his report.

(2) A competent person appointed by the manager for the purpose, shall, once at least in every week, examine the state of the shafts by which persons ascend or descend and, if more than 20 persons are employed in the mine simultaneously, shall without delay write or cause to be written a full and accurate report of the result of the examination. Every such report shall be recorded in a paged book to be kept at the mine for the purpose, and shall be signed and dated by the person who made the examination.

44. Every place where work is carried on or where men are stationed or pass shall be placed under the charge of a competent person appointed by the manager or underground manager.

45. If a working place or travelling road is found to be unsafe, all persons shall be withdrawn immediately from the dangerous area and all access to such working place or travelling road, except for the purpose of removing the danger or saving life, shall be prevented by securely fencing the full width of all entrances to the place.

46. The top and all entrances between the top and bottom of shafts, winzes, shoots or sliding holes and any openings into a stope more than 10 feet deep below a drive and other dangerous openings, shall be provided with a permanent or removable barrier in order to prevent persons or things from falling into them. When a shaft, winze, rise or stope leads directly into a travelling road or place where persons are stationed at work, the traffic at such points shall be protected against danger from anything falling from above.

47. At every shaft station where it is necessary for persons to pass from one side of the shaft to the other, provision shall be made enabling them to do so without entering or crossing a winding compartment.

48. All ladders, ladderways, platforms, doors, fences and other appliances and things in use underground shall be maintained in proper repair. Temporary ladders, platforms, or other means of climbing or keeping a footing while at work shall be provided in sinks, winzes, rises, stopes and other places where they are needed.

49. Where any working is approaching any place containing or likely to contain a dangerous accumulation of water, the working shall not exceed 6 feet width or height, and bore-holes shall be constantly kept at such a distance in advance of the face and at such angles from the working as is necessary to obviate the danger of a sudden breaking through of such water.

50. An adequate amount of ventilation shall be constantly produced in every mine to clear away smoke and dilute and render harmless inflammable and noxious gases to such an extent that the working places of the shafts, levels, and workings of the mine, and the travelling roads to and from these working places shall be in a safe state for persons working or passing therein.

51. Underground workings and shafts, sumps and winzes which have been in disuse for some time shall be examined before again being used in order to ascertain whether foul air or other dangerous gases have accumulated therein, and also to ascertain the condition of the roof and sides; and only such workmen as may be necessary to make such examination shall be allowed to proceed to such places until such places are certified to be in a safe state to work and travel in.

52. In any underground part of a mine where adequate stationary lights are not in use, every person shall carry a light.

53. No person shall work in any place other than a place in which he has been ordered to work by an official of the mine or by any person in whose charge he has been placed by an official of the mine.

## CHAPTER VII.

### LADDERWAYS

54. In ladder-shafts making an angle of 25 degrees or less with the vertical, platforms shall be provided at intervals not exceeding 35 feet. Ladders shall be placed so as to cover the openings in the platforms: Provided that in cases where timber and supplies are handled, a portion of this opening may be to one side of the ladder and in the opposite corner of the platform. Except in respect of the lowest 30 feet of a sinking shaft, ladders shall be fixed at an inclination of not less than one foot horizontal for every 10 feet vertical: provided that where exceptional

circumstances require they may, with the consent of an Inspector, be fixed at a steeper inclination.

55. In ladder-shafts where the slope is less than 65 degrees and more than 30 degrees with the horizontal, platforms shall be placed at intervals of not more than 55 feet along the underline or slope of the shaft.

56. All platforms shall be securely fenced.

57. All ladders shall be securely fastened to the sides of timbering of the shaft.

58. All ladders shall project at least three feet above the shaft-top and above every platform, or strong holdfasts shall be provided at these places in convenient positions.

59. A ladderway, which is a compartment of a shaft used also for other purposes, shall be closed off from the other compartments to such an extent as to prevent injury to workmen passing up and down the ladderway.

60. Every ladderway-opening in any travelling road or place where men are stationed or pass shall be provided with a door or with a substantial fence.

61. No person shall carry or be permitted to carry any drill, tool or any loose material on a ladderway in a vertical or steeply inclined shaft or mine, except so far as may be necessary in executing repairs :

Provided that nothing in this regulation shall prevent a person from carrying tools on a ladderway to a slope.

## CHAPTER VIII

### EXPLOSIVES.

62. The explosives provided for use in the mine shall be of good quality and, as far as can be practically known, in good condition, and only detonators of one strength and of sufficient power for every class of explosive used shall be kept for use in the same mine.

63. Explosives shall not be taken into or kept in a dwelling house, but only in a properly constructed magazine.

64. (1) Explosives shall not be stored underground in a mine except with the approval of an Inspector in writing, and in a magazine or magazines duly licensed in accordance with the provisions of rules made under the Indian Explosives Act, 1884.

(2) The Manager shall appoint in writing a competent person or competent persons to be in charge of every magazine for the storage of explosives, and no person shall be in charge of a magazine without such written authority.

(3) Explosives shall be issued only to competent persons appointed by the manager or underground manager or foreman,

and no unauthorised person shall have explosives in his possession. The names of such competent persons shall be registered in a book to be kept for the purpose.

(4) The person in charge of a magazine shall keep a correct record of the quantity of gunpowder and of the numbers of cartridges of other kinds of explosives and of detonators issued from the magazine to each authorised person, and a similar record of explosives returned to the magazine.

65. Underground magazines shall be placed at a sufficient distance from one another and from any portion of the mine, in which work is going on or which is used as a travelling road, to prevent the risk of injury to any person in the event of the explosion of the maximum amount of explosive stored.

66. The quantity of explosive which may be stored in an underground magazine shall not exceed the supply required for two working days in the mine in which the magazine is situated.

67. Detonators shall be kept in a securely locked box separate from any other explosive and no detonator shall be inserted into a priming cartridge until immediately before it is to be used :

Provided that, in the case of a wet working, priming cartridges may be prepared at the nearest convenient dry place adjacent to the working.

68. Every precaution shall be adopted to prevent the explosion or ignition of explosives stored in an underground magazine. The Chief Inspector may prescribe precautions to be adopted in addition to those required by the terms of the explosives licence.

69. No naked light shall be taken into an underground magazine or store.

70. Explosives shall not be sent down in the cage, skip or bucket unless there is a distinguishing mark attached to the cage, skip or bucket, or they are accompanied by a shot-firer or responsible person.

71. All blasting operations shall be conducted by or under the personal direction of duly competent persons, not less than 18 years of age, appointed by the manager, underground manager or foreman. The names of these persons shall be registered in a book to be kept for the purpose.

72. The number of shots fired, the quantity of explosives used and the number of shots (if any) which have misfired shall be recorded daily in a book to be kept for the purpose.

73. All unused explosives shall be returned to the magazine without delay. Such returned explosives shall be re-issued before fresh stock is used.

74. No explosives shall be taken into a mine except in a secure case, canister or bag containing not more than five pounds each, and a person shall not have in use or keep for use, at one time in

any one place within the mine, more than one such case, canister or bag. The place in the mine at which any such case, canister or bag is in use, or is kept for use, shall, unless solid ground directly intervenes, not be less than thirty feet from a place at which any other such case, canister or bag is in use or kept for use :

Provided that the Chief Inspector may, in special cases and by order in writing, permit, subject to such limitations as he may prescribe, the use at one time in one place of more than one of such cases, canisters or bags :

Provided further that nothing in this regulation shall prohibit the conveyance of larger quantities of explosives for supplying an underground magazine.

75. When explosives are being carried on a ladder, each case, canister or bag shall be securely fastened to the person carrying it.

76. In the process of charging or stemming a hole no person shall use an iron or steel tool, scraper or tamping rod, nor shall he use undue force in pressing the explosive into the hole or strike it when at the bottom of the hole.

77. In any underground working place only those holes which are to be fired in the next round shall be charged, and the fuses in all holes which have been charged shall be ignited or detonated together.

78. Before a shot is fired in an underground working place due warning shall be given to persons in the vicinity, and every entrance to the place where a shot is about to be fired shall be guarded so as to prevent any person, not having received warning, from placing himself in dangerous proximity to the shot.

79. (1) When two underground working places have approached to within 10 feet of one another, no blasting shall be done in any one of such workings unless the workmen have been withdrawn from the other working, and the same has been fenced.

#### **Explanation**

For the purpose of this sub-regulation any place to which workmen have lawful access shall be deemed to be a working place.

(2) In open workings blasting shall not be commenced until such warning as will prevent danger to the persons working in the mine and in its vicinity has been given by an efficient system of signals or by other means arranged by the manager. Notice shall similarly be given as soon as blasting is finished.

80. When shots are fired, the number of reports shall be counted by at least two persons. The lowest count shall be taken to be correct. Unless it is certain that all the shots have exploded, no person shall re-enter such working place until 30 minutes ;

after blasting, unless the shot has been fired by electrical means when this interval may be reduced to not less than ten minutes after the source of the electricity has been disconnected from the cable, and the place becomes clear of fumes. If the charge is known to have burnt away without exploding no person shall re-enter the working place for an hour.

81. After a shot has been fired in an underground working place the person who fired the shot or a competent person appointed in writing by the manager of the mine shall before any other person enters the place, make a careful examination and with his assistants make the place safe. No other person shall enter the place until the examination has been made and the place until the examination has been made and the place has been declared to be safe in all respects.

82. No person shall bore out a hole that has once been charged or attempt to withdraw a charge either before firing or after a misfire, or deepen or tamper with empty holes or sockets left after blasting.

83. When a misfire occurs, a portion of the tamping may be sludged out with compressed air or water under pressure, but no kind of tool shall be used for this purpose. The hole shall thereafter be reprimed and fired.

84. No person, shall drill or cause or permit to be drilled any hole within 12 inches of a misfired hole, and care shall be taken to drill the new hole in such a direction that there is no danger of touching the unexploded charge. The new hole shall be bored in the presence of an authorised shot-firer, and he shall be present during operations undertaken for the removal of debris lying within six feet of the misfired hole. A careful search amongst the debris shall be made for cartridges and detonators if any.

85. If a place where a misfire has occurred is temporarily vacated a man shall be posted to warn all persons in the neighbourhood of the fact, or the place shall be fenced so as to prevent access. In open workings it will be sufficient to mark the place of misfire with a red flag.

## CHAPTER IX.

### MISCELLANEOUS.

86. (1) Every flywheel and all exposed and dangerous parts of the machinery used in and about a mine shall be kept securely fenced.

(2) Where it is necessary to prevent danger to the public, every tank or reservoir shall be securely fenced.

87. Efficient guards shall be provided for such parts of any



machinery and any electrical conductors as may be a source of danger.

88. If any person, when in charge of any machinery, apparatus or appliance used in or about a mine, observes any defect or dangerous flaw therein, he shall immediately report the fact to the manager, under-manager or engine-wright.

89. Every person shall strictly comply with all lawful orders issued by the manager or such other official as may be empowered by the manager to issue the same.

90. No person occupying any position of trust in or about a mine shall depute another person to do his work without the sanction of the official to whom he is subordinate ; and no such person shall absent himself without having previously obtained permission from such official for the term of his absence or without having been relieved by a competent person.

91. No person shall negligently or wilfully do anything likely to endanger life or limb in the mine, or negligently or wilfully omit to do anything necessary for the safety of the mine or the persons employed therein.

92. No person shall damage, destroy or improperly interfere with any thing provided for or used in the working of the mine.

93. No person shall remove or pass through any fence, or remove or pass any danger-signal unless so specially authorised by the manager or an official empowered by the manager in that behalf.

94. No person occupying any position of trust in or about a mine shall sleep whilst on duty.

95. If any person required by these regulations or by any rule or bye-law made under the Act to make any report is unable to write, he shall be present when his report is written for him and shall have it read over to him, and shall attach his thumb mark to it. The person writing the report shall also sign his name at the end together with a statement that it has been read over to the person for whom it was written.

96. Whenever the circumstances at any mine or part of a mine are such as to render any provision of these regulations not reasonably applicable to such mine or part of such mine, the Chief Inspector may, at his discretion, grant exemption from such provision under such conditions as he may think fit.

THE SCHEDULE.

FORM I.

(SEE REGULATION 3)

Annual return for the year ending on the 31st December 19 .

1. Name of mine.
2. Postal address of mine.
3. Date of opening.
4. Date of closing (if closed).
5. Situation of mine { Province.  
District.
6. { Name of owner.  
Postal address of owner.
7. { Name of Managing Agents (if any).  
Postal address of Managing Agents (if any).
8. { Name of Agent (if any), as defined in Section 3(a)  
of the Indian Mines Act, 1923.  
Postal address of Agent.
9. { Name of Manager.  
Postal address of Manager.
10. Name of mineral worked.
11. Means by which the mineral is raised from the mine,  
i.e., hand labour, mechanical or electrical power.

FORM II.  
(SEE REGULATION 3)

Persons employed during the year ending on 31st December 19 ,  
and wages paid for work done in December 19 .

Classification	Aggregate number of daily attendances during the year of persons permanently and temporarily employed	Number of days worked during the year	Daily average number of persons employed as calculated by dividing the aggregate number of attendances by the number of days worked during the year	Average hours worked per week during the year	Aggregate number of daily attendances in December	Total amount paid in wages for work done in December	Average daily earnings in December as calculated by dividing the amount in column 7 by the number of attendances in column 6
1	2	3	4	5	6	7	8
<b>A. Underground (i.e., in places lying beneath the super-jacent ground).</b>							
Males:—							
Foremen and mules ...							
Miners ...							
Skilled labour not included above							
Unskilled labour not included above ...							
Total (males) ...							
<b>B. Open workings (i.e., in workings of the mine (including quarries) which are not situated beneath the super-jacent ground).</b>							
I Males:—							
Foreman and mates ...							
Miners ...							
Skilled labour not included above							
Unskilled labour not included above ...							
Total (Males) ...							
II Females ...							

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FORM II—(Continued)

Classification	Average number of daily attendances during the year of persons permanently and temporarily employed	Number of days worked during the year	Daily average number of persons employed as calculated by dividing the aggregate number of attendances by the number of days worked during the year	Average hours worked per week during the year	Aggregate number of daily attendances in December	Total amount paid in wages for work done in December	Average daily earnings in December as calculated by dividing the amount in column 7 by the number of attendances in column 6
1	2	3	4	5	6	7	8
C. Surface (i.e., not in the workings of the mine, including all subordinate officials and persons employed on sidings, loading wharves, private railways and surface tramways and also in carting).							
I. Males:-							
Clerical and supervising staff (excluding the superior supervising staff)							
Skilled labour...							
Unskilled labour							
Total males							
II. Females							

Note 1. Where males are employed in both underground and open workings, the figures relating to them should be included under section A.  
 " 2. Where workmen are paid through contractors, the sums entered in column 7 should be the sums paid by the contractors to the workmen, so far as these can be ascertained.

## FORM III.

(SEE REGULATION 3).

## Accidents and Prosecutions.

Number of separate accidents* reported during the year			Number of persons		Number of prosecutions instituted by the management, with the sections and rules under which the prosecutions were instituted	Number of persons convicted, with the sections and rules under which the convictions were obtained
Fatal	Serious	Total	Killed	Seriously injured		
1	2	3	4	5	6	7

\*Accidents which were reported as serious accidents but resulted fatally should be entered as fatal accidents.

## FORM IV.

(SEE REGULATION 3).

## Epidemic Diseases.

Disease*	Date of Appearance	Date of Disappearance	Number of cases	Number of deaths
Cholera	...			
Plague	...			
Small-pox	...			
Influenza	...			

\*Figures for any other specified disease, which has been epidemic at the mine should be entered in this form.

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## FORM V.

(SEE REGULATION 3)

(For mines other than mica mines)

Type and aggregate horse-power of electrical apparatus.

1.—System of Supply (whether continuous current or alternating current)—

Voltage of supply	..	..	..	..
Periodicity	..	..	..	..
Source of supply	..	..	..	..

2.—Voltage at which current is used for—

Lighting	..	..	..	..
Power	..	..	..	..

3.—Aggregate horse-power of motors installed on surface for—

Winding	..	..	..	..
Ventilation	..	..	..	..
Haulage	..	..	..	..
Ore dressing	..	..	..	..
Miscellaneous	..	..	..	..
				Total horse-power

4.—Aggregate horse-power of motors installed under ground for—

Haulage	..	..	..	..
Pumping	..	..	..	..
Portable machinery	..	..	..	..
Miscellaneous	..	..	..	..
				Total horse-power

5.—Total horse-power (addition of 3 and 4)

**FORM VI.**  
(SEE REGULATION 3).  
**Particulars of Explosives.**

Explosives		
Name of explosive	Quantity used in lbs.	Number of detonators used

**FORM VII.**  
(SEE REGULATION 3).  
(For Mica Mines only).

Output for year ending on the 31st December 19 .

Total amount of dressed mica raised	Total amount of dressed mica consigned	Total value at the mine of mica consigned ("Value" means and should be calculated upon actual or estimated selling price at the mine. Any charges incurred in transporting the mica outside the mine should not be included).
1	2	3
Cwts.	Cwts.	
Lbs.	Lbs.	

Signature of Owner, Agent or Manager.

(If the form is signed by managing Agents the words "for owner" should be added).

Date of Signature.

FORM VIII.

(SEE REGULATION 3)

(For all mines except mica mines)

Output for year ending on the 31st December 19 .

Total amount of mineral raised. The figures should be stated— (a) in the case of gem-stones in carats; (b) in the case of alum, amber, asbestos, graphitic, jadeite, steatite, tin-ore, tungsten-ore, in cwt., or where the circumstances require greater particularisation in order to give an accurate estimate of small outputs, in cwt. and lbs. Output of radio-active minerals and rare minerals such as molybdenite, menazite, pitchblende, samarskite, tantalite, triplite, should be returned in cwt. and lbs.; (c) in the case of clay, limestone, magnesite, marble, phosphatic rock, salt, slate, and other stone, and all metaliferous ores except those referred to in (b), in tons.	Total value at the mine of the mineral raised ("Value" means and should be calculated upon actual or estimated selling price at the mine). Any charges incurred in transporting the mineral outside the mine property should not be included.	Quantity of metal or metals extracted at the mine. Each metal should be shown separately— (a) In the case of gold, silver and other precious metals, in Troy ounces; (b) in the case of tin in cwt. and fractions of cwt.; (c) in the case of other metals, in tons and fractions of tons.	Value of metal or metals extracted at the mine. The value of each metal should be shown separately.
Name of mineral raised, and metal (if any) extracted.	1	2	3
Total	Total	Total	Total

Signature of Owner, Agent or Manager

(If the form is signed by a Managing Agent the words "for owner" should be added).

Date of signature.



## FORM IX.

(SEE REGULATION 13)

## Notice of accident.

From—

To—THE CHIEF INSPECTOR OF MINES,

(Through the <sup>District</sup>  
Sub-Divisional Magistrate of.....)

Dated

19 .

Sir,

I have the honour to furnish the following particulars of

a fatal accidenta serious accidentan accidental explosion or ignitionan outbreak of firean irruption of water

which has occurred at the Mine :—

1. Situation of the mine. (Village, Station,  
District, Province.)

2. Mineral worked

3. Name and postal address of owner

4. Name and sex of persons—

Killed	Injured	Age	Occupation

5. Date and hour of the occurrence

6. Place of the occurrence

7. Cause and description

8. Classification of accident\*

9. Nature of injury, and if fatal cause  
of death

I have the honour to be,

Sir,

Your most obedient servant,

Owner.

Agent.

Manager.

\*Under one or other of the following heads namely:—

(1) Explosions and ignitions of fire damp; (2) falls of roof; (3) falls of side; (4) in shafts (overwinding); (5) in shafts (ropes and chains breaking); (6) in shafts (while ascending or descending by machinery); (7) in shafts (falling down shaft); (8) in shafts things falling down shafts; (9) in shafts (miscellaneous); (10) suffocation by gases; (11) by explosives; (12) irruptions of water; (13) haulage; (14) by underground machinery; (15) sundries underground (16) by surface machinery; (17) boilers or pipes bursting; (18) on surface railways and tramways belonging to the mines; (19) by electricity; (20) miscellaneous on the surface.

BOMBAY CASTLE, 18TH FEBRUARY 1927

No. S.-18/6.—The following notification by the Government of India, Department of Industries and Labour, is republished :—  
"No. M.-987, dated New Delhi, the 26th January 1927.

For the purposes of regulations 34, 35 and 39 of the Indian Coal Mines Regulations, 1926, the Governor General in Council has approved of the following institutions in respect of the degrees, diplomas or certificates specified against them if granted after the dates similarly specified.

2. The notifications of the Government of India in the Department of Commerce and Industry No. 5808-160, dated the 25th July 1906, No. 1715-2, dated the 22nd February 1907, No. 9033-225, dated the 6th December 1909, No. 6690-143, dated the 24th September 1910, No. 1329-26, dated the 22nd February 1913, No. 2455-C, dated the 13th March 1915, No. 567-27, dated the 19th February 1916 and No. 7845, dated the 10th August 1918, and in the Department of Industries No. M.-987, dated the 26th February 1923, are hereby cancelled.

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Name of Institution	Degree, Diploma or certificate	Date
<b>India</b>		
Benares Hindu University ..	Degree of Bachelor of Science in Mining ..	1st January 1927.
Bengal Engineering College, Sibur ..	Diploma in Mining ..	22nd February 1907.
Calcutta University ..	Degree of Bachelor of Engineering in the Branch of Mining Engineering.	24th September 1910.
Indian School of Mines, Dhanbad ..	Certificate in Coal Mining and Diploma of Associateship in Mining Engineering.	1st January 1927.
<b>United Kingdom</b>		
Armstrong College, Newcastle-on-Tyne.	Diploma in Mining ..	29th June 1904.
Birmingham University ..	Degree of B.Sc. in Mining and Diploma in Mining.	11th June 1904.
Cambridge Birmingham Universities ..	Joint Coal Mining Diploma ..	30th June 1925.
Durham University ..	Degree of B.Sc. in Mining ..	21st December 1903.
Durham University ..	Honours Degree of B.Sc. in Mining ..	13th March 1919.
Edinburgh University ..	Degrees of B.Sc. and D.Sc. in Mining and Metallurgy.	7th September 1921.
Glasgow Royal Technical College ..	Diploma in Mining ..	28th June 1904.
Glasgow University ..	Degree and Diploma in Mining ..	28th September 1904.
Heriot-Watt College, Edinburgh ..	Certificate in Mining Engineering ..	16th January 1908.
Heriot-Watt College, Edinburgh ..	Diploma in Mining Engineering ..	7th March 1911.
Leeds University ..	Degree of B.Sc. in Mining and Diploma in Mining.	21st November 1904.
London University ..	B.Sc. Degree in Mining for Internal Students, subject to the Degree being endorsed by the University with a certificate of four months' practical experience in a mine.	9th June 1905.

London University .. ..	Degree of B.Sc. in Mining for External Students.	7th August 1906.
Manchester, Victoria University ..	Degree and Certificate in Mining	14th February 1906.
Nottingham University College ..	Diploma of Mining Engineering	28th March 1906.
Oxford and Birmingham Universities.	Diploma in Coal Mining which is granted by the two universities jointly.	24th May 1921.
Royal School of Mines .. ..	Associateship in Mining	24th March 1904.
Sheffield University .. ..	Diploma in Mining	6th June 1906.
Sheffield University.	Degree of Bachelor of Engineering (Mining)	30th June 1906.
University College of South Wales and Monmouthshire and the South Wales and Monmouthshire School of Mines.	Diploma which is granted by the two Institutions jointly.	13th March 1914.
Wales, University of .. ..	Degree of B.Sc. in Mining Engineering	14th March 1914.
Wigan Mining and Technical College ..	Diploma in Mining	26th August 1904.
<b>Foreign Countries</b>		
California University, United States of America.	Degree of Mining Engineer	19th February 1916.
Carnegie Institute of Technology, Pittsburgh, Pa., United States of America.	Degree of Bachelor of Science in Mining Engineering.	26th February 1923.
Columbia University, New York, United States of America.	Degree of Engineer of Mine	13th March 1915.
Harvard University, Cambridge, Massachusetts, United States of America.	Diploma in Mining Engineering	22nd February 1913.
Leland Stanford Junior University, California.	Degree of Bachelor of Arts in Geology and Mining.	10th August 1918.
Pittsburgh University, United States of America.	Degree of Engineer of Mines	19th February 1916.
University of Illinois, Urbana, United States of America.	Degree of Bachelor of Science in Engineering (with Coal Mining option).	1st January 1913.

\* Added vide G. of B. Gaz. Part 1 p. 1120 of 23/5/20.

## Indian Mines Act, 1923

### REGULATIONS FOR PROHIBITING THE EMPLOYMENT OF WOMEN UNDERGROUND IN MINES.

"No. M. 1055, dated New Delhi, the 7th March 1929.

In exercise of the powers conferred by section 29 of the Indian Mines Act, 1923 (IV of 1923), the Governor General in Council is pleased to make the following regulations, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

1. These regulations shall have effect from the 1st of July 1929.

2. In these regulations—

(1) 'exempted mine' means—

(a) coal mines in Bengal, Bihar and Orissa and the Central Provinces ;

(b) salt mines in the Punjab ; and

(2) 'underground workings' means any part of a mine situated beneath the superjacent ground, and includes vertical shafts provided for access to, or for the ventilation of such part ; but does not include tunnels made and used only for convenience in disposing of spoil.

3. No woman shall be permitted to enter or remain in the underground workings of any mine other than an exempted mine, unless she is authorised in that behalf in writing by the Chief Inspector.

4. In an exempted mine—

(1) up to and including the 30th day of June 1939,—

(a) no woman shall be permitted to enter or remain in the underground workings of the mine unless—

(i) she is employed to work therein in accordance with the provisions of sub-clause (b), or

(ii) she is authorised in that behalf in writing by the Chief Inspector, and

(b) the total number of women employed to work in the underground workings of the mine on any day in any year specified in column 1 of the Schedule shall not be a greater percentage of the total number of persons, both women and men so employed in the mine on that day than the percentage specified against that year, in the case of exempted coal mines, in column 3 of the Schedule ; and

(2) on and after the 1st day of July 1939, no woman shall be permitted to enter or remain in the underground workings of the

mine, unless she is authorised in that behalf in writing by the Chief Inspector.

**SCHEDULE**

Year	Percentage of the total number of persons, both men & women employed underground	
	Exempted coal mines	Exempted salt mines
1	2	3
1st July 1929 to 30th June 1930	29	40
1st July 1930 to 30th June 1931	26	36
1st July 1931 to 30th June 1932	23	32
1st July 1932 to 30th June 1933	20	28
1st July 1933 to 30th June 1934	17	24
1st July 1934 to 30th June 1935	14	20
1st July 1935 to 30th June 1936	11	16
1st July 1936 to 30th June 1937	8	12
1st July 1937 to 30th June 1938	5	8
1st July 1938 to 30th June 1939	2	4

**NOTIFICATIONS**

No. M. 5731—In exercise of the powers conferred by section 46 of the Indian Mines Act, 1923, (IV of 1923), and in supersession of the Notifications of the Government of India in the Department of Labour No. M.4091 dated the 2nd August 1943 and No. M.4283 dated the 18th August 1943 the Central Government is pleased to exempt until further orders all coal mines in Bengal, Bihar or the Central Provinces and Berar from the provisions of clause (j) of section 29 of the said Act, to the extent to which regulations made thereunder prohibit the entry of women into underground workings for the purposes of employment, subject however to the following conditions namely :—

- (i) No woman shall be employed underground in galleries which are less than five and a half feet in height ;
- (ii) Every woman employed underground shall be paid wages at the same rate as a man employed underground on similar work.

(Vide Gaz. of India Part I Sec. I of 27-9-43.)

No. M.-5962.—In exercise of the powers conferred by section 46 of the Indian Mines Act, 1923, (IV of 1923), the Central Government is pleased to exempt until further orders all coal mines

in the Province of Orissa from the provisions of clause (j) of section 29 of the said Act, to the extent to which regulations made thereunder prohibit the entry of women into underground workings for the purposes of employment, subject however to the following conditions namely :—

- (i) no woman shall be employed underground in galleries which are less than five and a half feet in height.
- (ii) every woman employed underground shall be paid wages at the same rate as a man employed underground on similar work.

(Vide Gaz. of India Extra Not. of 4-12-43).

### INDIAN MINES ACT, 1923.

#### INDIAN OIL MINES REGULATIONS, 1933

No. M.-1055 (1), dated New Delhi, the 20th December 1933.

In exercise of the powers conferred by section 29 of the Indian Mines Act, 1923 (IV of 1923), the Governor General in Council is pleased to make the following regulations, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

1. (1) These regulations may be called the Indian Oil Mines Regulations, 1933.

(2) They shall apply to all oil mines.

2. In these regulations, unless there is anything repugnant in the subject or context—

(a) 'the Act' means the Indian Mines Act, 1923 ;

(b) 'the District Magistrate', in relation to any mine, means the District Magistrate of the District in which the mine is situated :

Provided that in the case of a mine which is situated partly in one district and partly in another, the District Magistrate for the purpose of these regulations shall be the District Magistrate authorised in this behalf by the Central Government ;

(c) 'Form' means a form as set out in the Schedule ;

(d) 'Schedule' means the Schedule to these regulations.

### CHAPTER I.

#### RETURNS, NOTICES AND RECORDS.

4. (1) On or before the 21st day of January in each year the owner, agent or manager of every mine shall forward to the District Magistrate, and to the Chief Inspector annual returns in respect of the preceding year in the following forms :—

I, II, III, IV, V, VI and VII.

(2) If any mine is abandoned or the working of any mine has been discontinued over a period exceeding three months, or if a change occurs in the ownership of any mine, the returns required by sub-regulation (1) shall be submitted, within one month from the date of abandonment or change of ownership or within four months from the date of discontinuance :

Provided that the Chief Inspector may by order in writing extend the period for the submission of such returns up to any date not later than the twenty-first day of January in the year following that to which they relate :

Provided further that nothing in this sub-regulation shall be deemed to authorise the submission of any return later than the twenty-first day of January in the year following that to which it relates.

5. The notice required by section 14 of the Act shall be furnished in duplicate and shall specify the name and situation of the mine, the names and addresses of the owner and the manager, and, in the case of a new mine, the date on which it was opened. The District Magistrate shall, on receipt of the notice, forward one copy thereof to the Chief Inspector.

6. When a mine has been abandoned, or the working thereof has been discontinued over a period exceeding two months, the owner of the mine shall, within seven days after the abandonment or within seven days after expiry of the said period, as the case may be, send to the Chief Inspector notice in writing specifying the name and situation of the mine, the name and address of the owner, and the date and cause of the abandonment or discontinuance.

7. When a mine is re-opened after abandonment or discontinuance, the owner, agent or manager shall, within seven days after the date of the re-opening, send to the District Magistrate notice in writing in duplicate, specifying the name and situation of the mine, the names and addresses of the owner and the manager, and the date of the re-opening. The District Magistrate shall, on receipt of the notice, forward one copy thereof to the Chief Inspector.

8. When a change occurs in the name of, or in the ownership of a mine, notice in writing of the change and of the date thereof shall be sent by the owner, agent or manager to the Chief Inspector within seven days from the date of the change.

9. When any new appointment is made of an agent or manager of a mine, or any change of address of any agent or manager occurs, notice of the appointment or change and of the date thereof shall be sent by the owner, agent or manager to the Chief Inspector within seven days from the date of the appointment.



10. When the ownership of a mine is transferred, the previous owner or his agent or manager shall make over to the new owner all plans, books and other records required to be kept under the Act, and all correspondence relevant to the working of the mine with the Department of Mines and other Government departments.

11. If the owner, agent or manager of any mine intends to conduct or extend any mining operations under his control at or to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act, 1890, or of any public work in respect of which this Regulation is applicable by reason of any general or special order of the Central Government under clause (u) of section 29 of the Act, he shall, not less than sixty days before commencing such operations, give notice of his intention to the Chief Inspector, and also, in the case of a railway, to the Railway Administration concerned or, in the case of any such public work as aforesaid, to such authority as the Local Government may by general or special order direct.

12. The notice to be given under regulation 11 shall specify the position of the workings of the mine in relation to the railway or public work in question, the manner in which it is proposed to carry out the intended new operations, and the limits to which it is proposed to carry the said operations, and shall include a plan showing the existing and the intended mining operations in so far as they affect the railway or public work in question.

13. If the operations in respect of which notice is given under regulation 11 are not commenced within 12 months from the expiry of the period of sixty days therein referred to, the notice shall be held to have lapsed and the provisions of that regulation shall apply as if no such notice had been given.

14. When any accident occurs in or about a mine causing loss of life, or serious bodily injury, or when an accidental explosion, ignition, outbreak of fire or irruption of water or other dangerous occurrence occurs in or about a mine, the owner, agent or manager of the mine shall forthwith inform the Inspector by telephone or telegraph and shall also, within twenty-four hours of the occurrence of such accident, explosion, ignition, outbreak, irruption or other dangerous occurrence send notice thereof in Form VIII to the District Magistrate or to the Sub-divisional Magistrate, and also to the Chief Inspector.

15. If death results from any injury already reported as serious under Regulation 14, the owner, agent or manager of the mine shall within twenty-four hours of his being informed of the death, send notice thereof to the District Magistrate or to the Sub-divisional Magistrate, and also to the Chief Inspector.

## CHAPTER II

## PLANS

16. The owner, agent or manager of every mine shall keep in the office at the mine an accurate plan and section or sections, properly inked in on durable paper, of the workings of the mine on a scale of not less than 100 feet to 1 inch, showing the workings up to a date not more than six months previously. The name of the mine and of its owner and the scale shall be shown on the plan and sections and the magnetic meridian with date shall be shown on the plan. The plans and sections shall also show all shafts, drives, crosscuts, winzes, rises, excavations, and any tunnels and passages connected therewith. They shall also show the boundaries of the underground leasehold, where possible, and all important surface features within the boundaries, such as railways, roads, rivers, streams and reservoirs which overlie any part of the workings or any point within 600 feet of any part of the mine workings, also the general strike and thickness of the oil, gas and water sands with their dips at different points, and the known dislocations of the strata.

17. The owner, agent or manager of every mine shall, at any time on the request of the Chief Inspector or of any Inspector, produce to him at the office at the mine such plans and sections, and also, on the like request, mark on such plans and sections, the state of the workings of the mine at the time ; and the Chief Inspector or Inspector shall be entitled to examine the plans and the sections, and to make or have a copy made of any part thereof for official purposes.

18. If any mine or any considerable part of a mine is abandoned, or the working thereof has been discontinued over a period exceeding one year, the person who was the owner of the mine at the time of the abandonment or discontinuance shall, within three months after the abandonment or within fifteen months after the discontinuance of working, as the case may be, send to the Chief Inspector accurate plans and sections of the workings of the mine up to the time of the abandonment or discontinuance:

Provided that a change of ownership occurs after the abandonment or discontinuance and before the expiry of the three months or the fifteen months aforesaid, as the case may be, such plans and sections shall be sent forthwith.

19. After the expiry of ten years from the date of abandonment or discontinuance of working in any mine or in any considerable part of a mine, or, where the consent of the owner of the mine for the time being has been obtained, prior to the expiry of the said period, the Chief Inspector may, on such conditions as

he thinks fit to impose, permit any person having interest in the said mine or part of the mine to inspect the plan or section of such mine or part of the mine sent to him in accordance with the provisions of Regulation 18, and he may, subject to such conditions as he thinks fit to impose, supply to any such person copies of the said plan or section.

### CHAPTER III MANAGEMENT

20. For every mine a book, to be called the Inspection Book, shall be kept in which Inspectors may record their observations. The owner, agent or manager shall write or cause to be written at the commencement of the book :—

- (a) the name of the mine,
- (b) the names and addresses of the owner of the mine and of the agent, if any, and of the manager of the mine.

21. The owner or agent of every mine shall appoint a competent person of not less than 25 years of age to be manager of the mine. If any question arises whether any person so appointed is competent to perform the duties of manager, the decision of the Chief Inspector shall be final.

22. One person may be appointed manager of more mines than one, provided that the size of such mines and the distance between them is not so great as to preclude the proper and thorough performance by such manager of his duties in respect of each such mine. The decision of the Chief Inspector shall be final on any question arising out of this regulation.

23. Personal supervision shall be exercised by the Manager. Where by reason of absence or for any other reason he is unable to perform the duties required of him by the Act, regulations, rules and bye-laws, the owner, agent or manager shall authorise in writing a person, whom he considers competent, to act as manager of the mine.

24. The manager of every mine shall appoint in writing such number of competent persons as will be sufficient to secure a thorough supervision of all the operations in the mine and the enforcement of the requirements of the Act and of the regulations, rules and bye-laws made thereunder. He shall assign to every such person his particular duties, shall on his appointment make over to him a copy of the regulations, rules and bye-laws which affect him and shall take all possible steps to ensure that every such person understands, carries out and enforces the provisions therein contained. Copies of all appointments made by the manager shall be kept in the office at the mine.

25. No person shall be appointed to carry out the inspection required by Regulation 50 unless he has attained the age of 21 years and has had sufficient practical experience of the working of mine and is competent to detect the presence of gas. If any question arises whether the person so appointed is competent to carry out the duties required of him, the decision of the Chief Inspector shall be final.

#### CHAPTER IV

#### TRANSPORT OF PERSONS OR MATERIALS

26. (1) At every mine where more than twenty persons are employed underground, or where in the opinion of the Chief Inspector it is necessary, there shall be at least two shafts or outlets, not nearer to one another than 100 feet, according separate means of ingress and egress available to all the persons employed in the mine.

(2) Proper arrangements shall be made for persons to descend to, and ascend from, the mine at each of such shafts or outlets. If apparatus is necessary, it shall be kept on the works belonging to the mine and shall be constantly available for use.

(3) The foregoing provisions of this regulation with respect to shafts and outlets shall not apply—

- (i) while a shaft is being sunk or an outlet is being made ;
- (ii) to any workings for the sole purpose of making a communication between two or more shafts or outlets provided that not more than twenty persons are employed in making such communication.

27. At every shaft or incline where persons or materials are lowered or raised by means of machinery the following provisions shall have effect, namely :—

- (a) A single linked chain shall not be used for lowering or raising persons in any working shaft or plane, except for the short coupling chain attached to a cage, skip, wagon or bucket.
- (b) Ropes used in raising and lowering persons and all cappings or sockets and shackles shall be of the best materials and kept in good condition. The working load shall at no time be more than one-sixth of the breaking load of the rope. A similar spare rope shall always be kept in reserve at mines where there is only one hoisting shaft.
- (c) There shall be attached to every machine worked by mechanical power, and used for raising and lowering persons, one or more brakes of sufficient power by

themselves to hold the cage, skip, wagon or bucket, when loaded, at any point in the shaft, and a proper indicator (in addition to any mark on the rope) showing to the person who works the machine the position of the cage, skip, wagon or bucket in the shaft; and if the drum is not on the crank shaft, there shall be an adequate brake on the drum shaft :

Provided that in the case of a shaft or winze not exceeding 100 feet in depth or a shaft or winze in course of sinking so much of this clause as requires an indicator shall not apply.

(d) Every apparatus on or in which persons ride in a working shaft shall be provided with a sufficient cover overhead, except—

(i) in that portion of a shaft which is being extended by sinking, or

(ii) where persons are employed at work in a shaft.

(e) Every working shaft used for the purpose of drawing minerals or for lowering or raising persons shall, if exceeding 150 feet in depth, be provided with proper means of communicating distinct and definite signals from the bottom of the shaft, and from every entrance for the time being in use between the surface and the bottom of the shaft, to the surface, and from the surface to the bottom of the shaft and to every entrance for the time being in use between the surface and the bottom of the shaft. There shall also be proper means of transmitting distinct and definite signals from the top of every winding shaft to the winding engine. All signals shall be transmitted by mechanical or electrical means :

Provided that if electrical means are used electrical apparatus shall be of a type approved by the Chief Inspector.

(f) (i) The first three or principal signals shall be :—

One rap or bell	.. RAISE when engine at rest.
One rap or bell	.. STOP when engine in motion.
Two raps or bells	.. LOWER.
Three raps or bells	.. Men ready to ascend or descend.
Three raps or bells	.. IN REPLY. Men may enter the cage or other conveyance.

Provided that an alternative code may be used where the written permission of the Chief Inspector has been obtained.

(ii) Any other signals shall be in addition to, and shall not interfere with the foregoing.

(iii) A printed copy of the code of shaft signals shall be posted at the shaft top and at every inset, and also at the winding engine.

- (g) Every working shaft used for lowering or raising persons by machinery, other than machinery operated by hand labour, shall, if it exceeds 150 feet in depth, be provided with guides to within not less than 100 feet from the bottom of the shaft.
- (h) Adequate stationary lights shall be provided and used during working hours :—
  - (1) at all places where persons have to work underground in the immediate vicinity of shafts,
  - (2) after dark at the tops of all working shafts and at all winding engines used for raising and lowering persons.
- (i) There shall be on the drum of every machine used for lowering or raising persons such flanges, horns or other appliances as may be sufficient to prevent the rope from slipping. The rope shall be securely fastened to the drum, and there shall be at least two turns of the rope on the drum when the cage, skip, bucket or box is at the bottom of the shaft.
- (j) Every cage shall be provided with catches or some other suitable contrivance to prevent tubs from falling out, and shall, if used for lowering or raising persons, be covered in completely at the top and closed in at the two sides in a manner sufficient to prevent persons or things from projecting beyond the sides, and shall be provided with suitable gates or other rigid fences and with a rigid hand bar fixed in a position where it can be easily reached by all persons in the cage.
- (k) The manager, or a competent person or persons appointed by the manager for the purpose shall, once at least in every 24 hours, examine the state of the external parts of the machinery and of the head gear, ropes, chains, cage guides, and conductors in the shaft and other similar appliances of the mine which are in actual use, both underground and above ground, and if more than twenty persons are employed in the mine simultaneously, shall without delay write or cause to be written a full and accurate report of the result of such examination. Every such report shall be recorded in a paged book to be kept at the mine for the purpose, and shall be signed and dated by the person who made the examination.

28. Not more than such number of persons as may be authorised by the manager shall be allowed to ride in the same cage, tub, skip or bucket at one time and a notice specifying the authorised number shall be posted at the top of every shaft and at every inset in a shaft.

29. No persons shall ride in a shaft on, or against, a loaded cage, skip, bucket or box.

30. No person shall get on or off a cage, skip, tub or bucket used for lowering or raising persons after the same has been set in motion, or leave it until it has reached the appointed stopping place ; nor shall any person ride on the top or edge of any cage, skip, bucket or box except when engaged upon work in the shaft.

31. No person, when ascending or descending a shaft, shall take with him any tools or other bulky materials, save when engaged in repairing the shaft or when otherwise specially authorised by the manager :

Provided that, in the case of tools only, the manager may, by general order, permit the same to be carried.

32. Every person, when at or about the top or the bottom of a shaft, shall obey the orders and directions of the shaft attendants on duty at the time.

33. Every windless, whim or whip in use at a shaft or winze shall be provided with a stopper, lynch peg or other reliable holder.

34. The bucket, skip or any wagon in the cage shall not be filled up to such a height that any of the contents can fall out, and the bottom of the cage shall be kept clean.

35. When tools, wood, etc., with ends projecting over the top of the cage, skip or bucket are being lowered or hoisted, the projecting ends shall be securely fastened to the rope or bow.

36. When the winding apparatus is not provided with some automatic contrivance to prevent overwinding, a point shall be fixed and marked on the indicator in such a way as to show when the cage or other conveyance is within a distance of twice the circumference of the drum from the completion of the wind ; and when such cage or conveyance has reached such distance it shall not, if either it or the descending cage contains persons, be raised for the remaining distance at a speed exceeding three miles per hour.

37. In shafts exceeding 300 feet in depth, where persons are raised or lowered by machinery, suitable devices shall be fitted if, in the opinion of the Chief Inspector, such are required to provide against the overwinding of cages, skips or other conveyance or to safeguard persons liable to be injured in the case of an overwind.

38. At the top of every incline on which the haulage, not being endless rope or endless chain haulage, is worked by mechanical power or gravity there shall be stop-blocks or other similar contrivances to prevent wagons from running away. Additional stop-blocks or runaway switches, or some other appliance for arresting or diverting the descent of wagons in the event of a

runaway, shall be fixed below the first stop-blocks at a greater distance than the length of a train of wagons. There shall also be provided and attached behind the ascending wagon or train of wagons a backstay, drag or other suitable contrivance for preventing the wagon or wagons from running back.

39. Where wagons are moved by hand no person shall permit a wagon to run uncontrolled, and, if sprags are necessary, a sufficient number shall be provided by the manager.

40. No person shall ride upon any tub, truck or wagon either underground or above ground without the permission of the manager.

## CHAPTER V

### MINE WORKINGS

41. No operations shall, without the consent in writing of the Central Government, be carried out within a distance of 100 feet of the boundary of the mining property worked in accordance with these regulations, and if any doubt arises as to the position of the said boundary the Central Government may prohibit the person working the mine from carrying on operations within a specified portion of the area held by him until such doubt has been removed by the decision of a competent authority.

42. The sides and roofs of all shafts, galleries, roads and working places shall be made and kept secure.

43. Except in cases where the geological conditions are sufficiently known and previous permission has been obtained from the Chief Inspector all mining operations shall be preceded by the boring of a pilot hole not less than thirty feet ahead of the face of the working. The aperture of every such pilot hole shall be fitted with a casing head, blow out preventer or other device cemented in place and so constructed and maintained as to prevent any blow out of gas or oil. If in the process of drilling pilot holes or of mining, oil or gas are encountered in such quantity or with such pressure as to make the continuance of operations dangerous to life or property, such work shall be stopped and shall not be resumed until the pressure has been released.

44. The permanent supports used within 200 feet of any shaft shall be entirely composed of non-inflammable materials.

45. The lining of every shaft and of every excavation which penetrates more than one sand whether such sand contains oil, gas or water or not shall be backed with cement or treated in some other way so that the percolation or migration of fluids or gas through or behind the lining is effectually and permanently prevented.



46. Where any part of a mine is so situated that there is any danger whatever of an irruption of water into the mine, adequate protection against such an irruption shall be provided and maintained.

47. No mine or part of a mine shall be abandoned nor shall the working thereof be discontinued for a peirod exceeding two months unless all inlets from any oil sand or gas sand into the mine or part have been sealed off as far as is practicable so as to prevent the egress of oil or gas from the sand.

48. When a mine has been abandoned or discontinued for a period exceeding six months all openings into the mine shall be effectively sealed off at the surface.

49. No winze or other working shall be made below the level of the floor of the lowest gallery in the mine until such precautions for the prevention of the collection of gas and the safety of the workers employed therein as the Inspector may prescribe have been taken.

50. (1) A competent person or persons appointed for the purpose by the manager shall within such time, not exceeding two hours before the commencement of work in a shift inspect every part of the mine and shall ascertain the condition thereof so far as the presence of gas, ventilation, roof and sides and general safety are concerned. The result of every such inspection shall be recorded in a book kept at the mine for the purpose.

(2) A like inspection shall be made at least twice in the course of each shift, and at least once in every five hours during which the shift continues, of all parts of the mine, but it shall not be necessary to record the result of such inspections in a book unless the last inspection in a shift is the inspection required to be made under sub-regulation (1).

51. Every report shall be made by the person inspecting, either when underground or immediately on his return to the surface, and shall be a full and accurate report of the inspection, specifying whether or not, and where, if anywhere, noxious or inflammable gas was found, and whether or not any and, if any, what defects in roof or sides and other sources of danger were observed. The report shall be signed by the person who made the inspection and shall state the date and time of the inspection and the date and time when the report was written.

52. No workman shall enter or be permitted to enter the mine until every part of the mine has been examined in the manner perscribed in sub-regulation (1) of Regulation 50.

53. Every place where work is carried on or where men are stationed or pass shall be placed under the charge of a com-

petent person appointed by the manager or underground manager.

54. If any part of a mine is found to be unsafe, all persons except those engaged in saving life or in removing the danger shall be withdrawn immediately from the dangerous area, and all approaches to the area shall be securely fenced so as to prevent unauthorised persons entering it until the danger has been removed.

55. No person shall work in any place other than a place in which he has been ordered to work by an official of the mine or by any person in whose charge he has been placed by an official of the mine.

## CHAPTER VI

### VENTILATION AND LIGHTING

56. An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless inflammable and noxious gases to such an extent that the working places of the shafts, levels and workings of the mine, and the travelling roads to and from these working places, shall be in a safe state for persons working or passing therein. If the percentage of inflammable gas in the main return airway exceeds 0.6 per cent. the mine shall be deemed to be unsafe and the steps prescribed by Regulation 54 shall be taken.

57. Means shall be provided on the surface for reversing the ventilation if and when required.

58. At least once in every week the quantity of air in the main air currents and splits shall be measured, and at least once in every twenty-four hours a sample of the air in the main return airways shall be taken and analysed, and records of the same shall be maintained in a book to be kept at the mine.

59. Electric lamps connected to a lighting or power circuit shall not be used underground in the return airways or at any point more than 200 feet from the bottom of the downcast shaft. If it is the intention to reverse the direction of the air current the supply of electric current to such lamps shall first be cut off, and the same shall be done in the event of a failure of the air current :

Provided that the Chief Inspector may, by order in writing, and subject to such conditions as he may impose permit the use of self-contained lighting apparatus in which electric lamps are supplied from a generator operated by compressed air. All such apparatus shall be of a type approved by the Chief Inspector.

60. Except as provided for in Regulation 59 no lamp other than an electric safety lamp of a type approved by the Chief Inspector for use in oil mines shall be used in a mine.

61. (1) All safety lamps shall be kept in a lamp-room and shall be in charge of a lamp-man authorised in writing for the purpose by the manager.

(2) All safety lamps in ordinary use shall be numbered and such record shall be kept of the persons to whom the lamps are issued that the user of any particular lamp can at any time be identified from the record.

(3) The lamp-man shall examine and lock securely all safety lamps before they are taken into the workings for use, and such lamps shall not be used until they have been so examined and found to be in safe working order and securely locked.

62. The banksman or other competent person appointed by the manager for the purpose shall examine every safety lamp at the surface immediately before it is taken underground for use and shall assure himself as far as practicable from external observation that each lamp is in safe working order and securely locked.

63. (1) No safety lamp shall be unlocked underground, and unlocking on the surface shall only be done at the lamp-room.

(2) No person other than a person authorised by the manager to examine and lock safety lamps shall take or give out for use any safety lamps, or unlock or open or attempt to unlock or open any safety lamps.

64. (1) No person shall have in his possession when underground any unlocked safety lamp, naked light, match, smoking apparatus, or any apparatus of any kind for striking a light, and if it appears to any person that any safety lamp in his possession is defective or insecure he shall at once remove it from the mine and return it to the person authorised to issue safety lamps.

(2) With the object of preventing any substance such as matches or smoking appliances being taken into the mine the manager shall arrange for the systematic search of every person immediately before such person enters the mine ; and no person shall enter or be permitted to enter the mine until such search has been made. The method of search shall be one which has been approved by the Chief Inspector.

65. No person shall wilfully damage, or improperly use, or by improper means extinguish, any safety lamp.

66. In any underground part of the mine where adequate stationary lights are not in use, every person shall carry a light.

**PRECAUTIONS TO PREVENT FIRE AND EXPLOSIONS**

67. Explosives shall be used in or about a mine only with the permission of the Chief Inspector and subject to such conditions as he may impose.

68. Electricity for power purposes shall not be used underground except with the consent of the Chief Inspector and under such conditions as he may approve.

69. Air from air compressing plant shall be cleaned and freed from oil fumes before being used underground.

70. (a) An area on the surface round the top of each shaft or entrance to a mine shall be securely fenced so as to prevent the ingress of any persons except through gates. The fence shall not be placed nearer than 150 feet from the shaft or entrance.

(b) Areas on the surface used for the purpose of dumping sand containing oil shall be securely fenced so as to prevent the ingress of any person except through gates.

(c) Such areas shall be known as danger areas, and notices to this effect shall be displayed around each such area.

71. (a) No person shall enter any danger area without the permission of the manager.

(i) no person shall have in his possession any match, smoking apparatus or means for striking a light;

(ii) no person shall light or cause or permit to be lighted or used any fire or naked light;

(b) With any danger area—

(iii) no inflammable material shall be stored;

**Note.**—Nothing in this sub-regulation shall preclude the dumping of sand containing oil in a danger area separate from a danger area surrounding a shaft.

(iv) except for the materials used in the construction of a temporary sinking derrick, no inflammable material shall be used in any building or other construction;

(v) all electric transmission lines shall be armoured or encased in pipes;

(vi) all electric motors shall be flame-proof.

72. The bottom of every shaft shall be kept free from accumulation of oil or gas.

73. All oil pipes whether below or above the surface shall be inspected daily and constantly maintained in an oil-tight condition.

74. Oil collected or released in the process of mining or by leakage from any pipe line shall be continuously collected and

removed to the surface in receptacles with oil-tight and gas-tight covers or by pumping through pipe lines.

75. Main oil reservoirs shall be situated not less than 150 feet from any working shaft and not less than 30 feet from any travelling road or airway, and shall be shut off so as to prevent danger from fire.

76. Reasonable provision shall be made to prevent an outbreak of fire in the mine or the spread of fire. Fire extinguishers shall be provided and placed at important points in the mine. Fire extinguishers shall be tested and examined at intervals not exceeding one month. When in the opinion of an Inspector the provisions made for the above purpose are inadequate, he may require such additional provision as he shall specify to be made.

77. The owner shall maintain such specially trained safety staff and equipment as may from time to time be prescribed by the Chief Inspector.

78. Plans and specifications showing the lay-out and dimensions of all permanent oil and gas pipe lines and plant shall be submitted to the Chief Inspector, and the work of construction shall not be commenced until his sanction has been obtained.

## CHAPTER VIII

### MISCELLANEOUS

79. (1) Every entrance to a mine from the surface, and the top and all entrances between the top and the bottom, including the sump (if any), of every working, ventilating, or pumping shaft, and the top of every open excavation, shall be kept properly fenced :

Provided that any fence may be temporarily removed for the purpose of repairs or other operations, if proper precautions are used.

(2) Shaft temporarily or permanently out of use and any place in or about the excavation which is dangerous shall be kept properly fenced.

80. (1) Every flywheel and all exposed and dangerous parts of the machinery used in and about a mine shall be kept securely fenced.

(2) Efficient guards shall be provided for such parts of any machinery and any electrical conductors as may be a source of danger.

81. Where it is necessary to prevent danger to the public every tank or reservoir shall be securely fenced.

82. If any person, when in charge of any machinery, apparatus or about a mine, observes any defect or dangerous flaw

therein, he shall immediately report the fact to the manager, engine-wright or other responsible official.

83. Every person shall strictly comply with all lawful orders issued by the manager or such other official as may be empowered by the manager to issue the same.

84. No person occupying any position of trust in or about a mine shall depute another person to do his work without the sanction of the official to whom he is subordinate; and no such person shall absent himself without having previously obtained permission from such official for the term of his absence or without having been relieved by a competent person.

85. No person shall negligently or wilfully do anything likely to endanger life or limb in the mine, or negligently or wilfully omit to do anything necessary for the safety of the mine or the persons employed therein.

86. No person shall damage, destroy or improperly interfere with anything provided for or used in the working of the mine.

87. No person shall remove or pass through any fence, or remove or pass any danger-signal unless so specially authorised by the manager or an official empowered by the manager in that behalf.

88. No person shall sleep underground.

89. If any person required by these regulations or by any rule or bye-law made under the Act to make any report is unable to write, he shall be present when his report is written for him, and shall have it read over to him, and shall attach his thumb and shall have it read over to him, and shall also sign his mark to it. The person writing the report shall also sign his name at the end together with a statement that it has been read over to the person for whom it was written.

90. The Chief Inspector may, at his discretion, and under such conditions as he may think fit, grant exemption from any of the foregoing regulations.

## THE SCHEDULE

## FORM I

[SEE REGULATION 4 (1).]

Annual return for the year ending on the 31st December 19 .

1. Name of mine.
2. Postal address of mine.
3. Date of opening.
4. Date of closing (if closed).
5. Situation of mine 

{	Province.
{	District.
6. 

{	Name of owner.
{	Postal address of owner.
7. 

{	Name of Managing Agents (if any).
{	Postal address of Managing Agents (if any).
8. 

{	Name of Agent (if any), as defined in Section 3 (a) of the Indian Mines Act.
{	Postal address of Agent.
9. 

{	Name of Manager.
{	Postal address of Manager.

# LABOUR AND FACTORY LEGISLATION

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## FORM II Persons employed during the year ending on 31st December 19... and wages paid for work done in December 19...

[SEE REGULATION 4 (1).]

Classification	Aggregate number of daily attendances during the year of persons permanently and temporarily employed	Number of days worked during the year	Daily average number of persons employed as calculated by dividing the aggregate number of attendances by the number of days worked during the year	Average hours worked per week during the year	Aggregate number of daily attendances in December	Total amount paid in wages for work done in December	Average daily earnings in December as calculated by dividing the amount in column 6 by the number of attendances in column 5
<b>A.—Underground (i.e., in places lying beneath the super-facet ground).</b>							
Males—							
Overmen and/or sidars							
Coal Cutters							
Skilled labour							
Unskilled labour not included above							
... Total							
<b>B.—Surface (i.e., not in the workings of the mine, including all workings on sidings, loading wharves, private railways and persons employed also in earthing).</b>							
I. Males—							
Clerical and supervising staff (excluding the superior staff)							
Skilled labour							
Unskilled labour							
... Total							
II. Females							
... Total							

Note—Where workmen are paid through contractors, the sums entered in column 7 should be the sums paid by the contractors to the workmen, staff so these can be ascertained.



## FORM III

[SEE REGULATION 4 (1).]  
Accidents & Prosecutions.

NUMBER OF SEPARATE ACCIDENTS* REPORTED DURING THE YEAR			NUMBER OF PERSONS		Number of prosecutions instituted by the management, with the sections and rules under which the prosecutions were instituted	Number of persons convicted with the sections and rules under which the convictions were obtained
Fatal	Serious	Total	Killed	Seriously injured		
1	2	3	4	5	6	7

\*Accidents, which were reported as serious accidents but resulted fatally, should be entered as fatal accidents.

## FORM IV

[SEE REGULATION 4 (1).]  
Epidemic Diseases.

Name of disease *	Date of appearance	Date of disappearance	Number of cases	Number of deaths
Cholera	...			
Plague	...			
Small-pox	...			
Influenza	...			

\*Figures for any other specified disease which has been epidemic at the mine should be entered in this form.

LABOUR AND FACTORY LEGISLATION  
FORM 1

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**FORM V**

FORM V  
[SEE REGULATION 4 (1)]  
gauge horse-power

FORM V

[SEE REGULATION 4 (1)]

Type and aggregate horse-power of electrical apparatus  
System of supply (whether continuous current or  
current)—  
Voltage of supply  
Periodicity  
Source

- [SEE REGULATION 4 (1)]

1. System of supply (whether continuous current or alternating current)—	..	..	..
Voltage of supply	..	..	..
Periodicity	..	..	..
Source of supply	..	..	..
2. Voltage at which current is used for—	..	..	..
Lighting	..	..	..
Power	..	..	..
3. Aggregate horse-power of motors installed on surface for—	..	..	..
Winding	..	..	..
Ventilation	..	..	..
Haulage	..	..	..
Pumping	..	..	..
Miscellaneous	..	..	..
4. Aggregate horse-power of motors installed underground for—	..	..	..
Haulage	..	..	..
Pumping	..	..	..
Portable machinery	..	..	..
Miscellaneous	..	..	..
5. Total horse-power (addition of 3 and 4).	..	..	..

Total horse-power ..

Total horse-power ..

FORM VI

[SEE REGULATION 4 (1)]

FORM VI

FORM VI  
[SEE REGULATION 4 (1).]  
safety lamps and

FORM VI  
[SEE REGULATION 4 (1).]  
Explosives, safety lamps and mechanical ventilators

[illegible]

## Indian Mines Act, 1923

### EXEMPTION OF MINES AND CLASSES OF PERSONS FROM THE OPERATION OF CERTAIN PROVISIONS OF THE ACT

NEW DELHI, THE 20TH JANUARY 1938

No. M.-1051.—In exercise of the powers conferred by section 46 of the Indian Mines Act, 1923 (IV of 1923), and in supersession of the notification of the Government of India in the late Department of Industries and Labour No. M.-1051, dated the 1st October 1935, the Central Government is pleased to exempt the mines, groups of mines, classes of mines, parts of mines, and classes of persons specified in the first column of the annexed Schedule from the operation of those provisions of the said Act, which are specified in the corresponding entry in the second column thereof, subject to the conditions, if any, specified in the corresponding entry in the third column thereof.

#### SCHEDULE

1 Mines and classes exempted.	2 Provisions from which exemption is granted	3 Conditions attached to exemption.
<p>1. Mines of <i>kankar</i>, <i>murum</i>, laterite, gravel, sand, clay (not including kaolin, china clay or white clay), fire-clay, ochre, stone, earth, fuller's earth, barytes, bauxite, slate and limestone :            Provided that this exemption shall not apply to—</p> <p>(a) The mines specified in Appendix I to this Schedule.</p> <p>(b) Slate mines in the Province of the Punjab and in the Monghyr district of the Province of Bihar.</p> <p>(c) Limestone mines in the districts of Shahabad and Jubbulpore.</p> <p>(d) Mines of soapstone or steatite.</p>	<p>All exempting the provisions contained in sections 26 and 26A.</p>	<p>(1) The owner, agent or manager of every mine so exempted, whether existing or new, shall forward to the Chief Inspector and the District Magistrate a report in the form contained in Appendix II to this Schedule as soon as—</p> <p>(i) the depth of the mine measured from its highest to its lowest point reaches 20 feet ; or</p> <p>(ii) the number of persons employed day is more than in the mine on any 50 ;            and at such times thereafter as the District Magistrate may direct.</p> <p>(2) The owner, agent and manager shall permit</p>

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1 Mines and classes exempted.	2 Provisions from which exemption is granted	3 Conditions attached to exemption.
(e) Stone mines in the Town and Island of Bombay.		the Chief Inspector or any person exercising the powers of an Ins- pector or a person duly authorised in writing in this behalf by a per- son exercising the powers of an Inspector to enter, inspect and examine any mine so exempted at any rea- sonable time. (3) The owner, agent or manager of any mine so exempted shall not permit any female to enter for purposes of employment, or be em- ployed in the under- ground workings, if any, of the mine.
2. Borings and oil wells in All the making or opera- tion of which no per- son is employed be- neath the superjacent ground.		
3. Mines or parts of mines All in which excavation is being carried out for the purpose of obtain- ing minerals for use or sale :		
Provided that— (i) not more than 20 persons are em- ployed in or about such excavation ; (ii) no part of the ex- cavation extends beneath the super- jacent ground ; and (iii) the depth of the excavation mea- sured from its highest to its lowest point no-		

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1 Mines and classes exempted.	2 Provisions from which exemption is granted	3 Conditions attached to exemption.
<p>where exceeds 20 feet or, in the case of an excavation for coal, 50 feet.</p> <p>4. Iron-ore mines worked without mechanical power, the whole of the ore from which is supplied locally to village smelters and black-smiths.</p> <p>5. The following mines in the Province of Bihar, namely :—</p> <p>(i) The coke factory of the Burrakur Coal Company, Ltd., at Loyabad in the Manbhum district.</p> <p>(ii) The coke factory of the Barari Coke Company, Ltd., at Kendwadih in the Manbhum district.</p> <p>(iii) The coke factory of the Eastern Coal Company, Ltd., at Bhowra in the Manbhum district.</p> <p>(iv) The coke factory of the Lodna Colliery Company, Ltd., at Lodna in the Manbhum district.</p> <p>(v) The coke factory of the East Indian Railways at Girdih in the Hazaribagh district.</p> <p>(vi) Open excavations for coal in the Rajmahal coalfields in the district of the Sonthal Parganas, provided that not more than 20 persons are employed in or about the</p>	<p>All excepting the provisions contained in sections 26 and 26-A.</p> <p>All</p> <p>All</p> <p>All</p> <p>All</p> <p>All</p> <p>All excepting the provisions contained in sections 26 and 26-A.</p>	<p>The owner, agent or manager of any mine so exempted shall not permit any female to enter for purposes of employment, or be employed in, the underground workings, if any, of the mine.</p>

1 Mines and classes exempted	2 Provisions from which exemption is granted	3 Conditions attached to exemption
mine at any one time.		
6. The following mines in the Province of Bombay, namely :—		
Stone crushing plants forming part of the mines included in Appendix I or situated in the Town and Island of Bombay.	All	
7. The following mines in the Province of Madras, namely :—		
Stone mines in the Mangalgiri sub-division of the Guntur district specified in Appendix I.	The provisions contained in section 28.	
8. The following mines in the North-West Frontier Province, namely:—	All	
(i) Salt mines in the Kohat district.		
(ii) Carbonaceous clay pits in the Hazara district.	All excepting the provisions contained in sections 26 and 26A.	The owner, agent or manager of any mine so exempted shall not permit any female to enter for purposes of employment, or be employed in, the underground workings, if any, of the mine.
9. Persons employed in the loading of wagons, tubs or carts on the surface and cartmen on the surface.	The provisions contained in sections 23B and 28. (3)	
10. Firemen, winding enginemen, pumpmen and horsekeepers.	The provisions of section 22A.	
11. Winding enginemen, Engine, and power-house attendants, Banksmen, Boiler Firemen, Trolley-men and trammers, Persons working on mechanical screening and loading plants; and Fan attendants.	The provisions contained in sections 22B (2) and 28 (2).	(1) The period of work of these workers shall not exceed eight hours in any one day. (2) The entries in the register prescribed by section 28(1) shall be such that workers working in accordance therewith or not working in contravention of any of the provisions of Chapter VI of the Act other than those from which exemption is given, or in contravention of condition (1).

## APPENDIX I

[See Clause (a) of proviso to entry 1 in first column of Schedule]

No.	Name of mine.	Name of owner.	Situation		
			Village.	Sub-division.	District.
			BENGAL		
			Stone Mines		
1	Maharaja's stone	Maharaja of Kassim-bazar.	Bahadurpur Chandannagar Lakshmanpur.	Rampurhat	Birbhum.
2	Gopalpur	S. G. Bose	Rajgaon	Do.	Do.
			Clay Mines		
1	Gopinathpur	Norode Baran Roy	Durgapur	Asansol	Burdwan.
2	Ranigunj No. 1	Burn and Company, Limited	Ronai	Do.	Do.
3	Ranigunj No. 2	Do.	Baktarnagar	Do.	Do.
4	Ranigunj No. 3	Do.	Ronai	Do.	Do.
			Fireclay Mines		
1	Churulia	The Churulia Coal Co., Ltd.	Churulia	Asansol	Burdwan.
2	Danapahari	Danapahari Fireclay Concern	Bonjamuri	Do.	Do.
3	Dendua	D. N. Chowdhury	Dendua	Do.	Do.
4	Dabor	Do.	Dabor	Do.	Do.
5	Sabanpur	Burn and Company, Limited.	Sabanpur	Do.	Do.





## APPENDIX I—Contd.

No.	Name of mine.	Name of owner.	Situation		
			Village.	Sub-division.	District.
BIHAR—Contd.					
Stone Mines—Contd.					
12	Baghajuli	K. D. Gupta	Do.	Pakur	Sonthal Parganas.
13	Baghajuli and Ghorapahari	H. K. Mukherjee	Baghajuli and Ghorapahari.	Do.	Do.
14	Baghajuli	Pakurjam Stone Company	Baghajuli	Do.	Do.
15	Baghajuli & Manjurcola	Raghur Prasad and Bros.	Baghajuli and Manjurcola	Do.	Do.
16	Baghajuli	Maharaja of Kassimbazar Stone Works.	Baghajuli	Do.	Do.
17	Baghajuli	A. Sarkar & Co.	Do.	Do.	Do.
18	Ghorapahari	All India Stone Company.	Ghorapahari	Do.	Do.
19	Ghorapahari	Pakur Stone Supply Co.	Do.	Do.	Do.
20	Ghorapahari	Cunliffe & Martin	Do.	Do.	Do.
21	Baghajuli	Laljam Raghunandan Prasad.	Do.	Do.	Do.
22	Ghorapahari	Pakur Stone Co.	Do.	Do.	Do.
23	Ghorapahari	Pakurjam Stone Co.	Do.	Do.	Do.
24	Ghorapahari	Raghur Prasad & Bros.	Do.	Do.	Do.
25	Ghorapahari	Seth Teomall	Do.	Do.	Do.

	Jharnatola	H. K. Mukherjee	Jharnatola	Pakur	Sonthal Parganas
20	Jharnatola				
27	Kolajora	Do.	Kolajora	Do.	Do.
28	Mahulan	Kumar G. C. Pande	Mahulan	Do.	Do.
29	Mahadebpur	H. K. Mukherjee	Mahadebpur	Do.	Do.
30	Malpahari	B. N. Pal and M. N. Dey	Malpahari	Do.	Do.
31	Malpahari	Behar Stone and Supply Company.	Do.	Do.	Do.
32	Malpahari	Gyanendra Nath Banerjee.	Do.	Do.	Do.
33	Malpahari	B. B. Chatterjee & Sons.	Do.	Do.	Do.
34	Malpahari	Chatterjee Shaw & Co.	Do.	Do.	Do.
35	Malpahari	K. C. Ghosh & Co.	Do.	Do.	Do.
36	Malpahari	H. K. Mukherjee	Do.	Do.	Do.
37	Malpahari	Netram Sagarmall	Do.	Do.	Do.
38	Malpahari	Pakur Stone Co.	Mungalspara	Do.	Do.
39	Mungalspara	Do.	Manjurcola	Do.	Do.
40	Manjurcola	B. B. Chatterjee & Sons.	Do.	Do.	Do.
41	Manjurcola	Chatterjee Chakravarty	Do.	Do.	Do.
42	Manjurcola	Netram Sagarmall	Do.	Do.	Do.
43	Baghajuli and Manjurcola	Seth Khia Mall	Baghajuli Manjurcola.	Do.	Do.
44	Matara	Netram Sagarmall	Matara	Do.	Do.
45	Murgadanga	Ramananda Raghunath Missir.	Murgadanga	Do.	Do.
46	Pathrapara	H. K. Mukherjee	Pathrapara	Do.	Do.
47	Pipuljhuri	Pakur Stone Co.	Pipuljhuri	Do.	Do.
48	Pipuljhuri and Arajikhapra-jola.	Kumar G. C. Pandey	Pipuljhuri and Arajikhapra-jola.	Do.	Do.

## APPENDIX I—Contd.

No.	Name of mine	Name of owner.	Situation		
			Village	Sub-division	District
BIHAR—contd.					
Stone Mines—contd.					
49	Ranicola	H. K. Mukherjee	Ranicola	Pakur	Sonthal Parganas
50	Sonajuri	H. K. Mukherjee	Sonajuri	Rajmahal	Do
51	Bankudih	Sha Muhammad Biswas	Bakudih	Do	Do
52	Bankudih	Gurudeo Singh	Do	Do	Do
53	Chota Bonapara	Calcutta Chord Rail- way Company.	Jhumarbag	Do	Do
54	Bindubasini hill	Unsettled			
55	Bara Bonapara	Birendra Nath Sha	Bogapahar	Rajmahal	Do
56	Bogapahar	Unsettled			
57	Bornapahar	Birendra Nath Sha	Bara Betona	Rajmahal	Do
58	Bara Betona	Unsettled			
59	Belbhadri	E. B. Railway	Paktori Pahar	Rajmahal	Do
	Chalpahar				
	Paktori Pahar				
60	Chowki Pahar	A. S. Apcar	Chowki Pahar	Do	Do
61	Gadaitongi	Seth Sunder Prasad	Gadaitongi	Do	Do
62	Gumapahar	Gurudeo Singh	Gumapahar	Do	Do
63	Gangu-para	Keshab Chandra Banerjee	Gangu-para	Do	Do
		Harinath Das	Madia	Do	Do
64	Madia				
65	Maharajpur	T. S. Samanta	Dudhkole	Do	Do
	Harinkole				

66	Malitoke	E. B. Railway	..	..	Malitoke	Bala-	Rajmahal	Santhal
67	Pathria Balapokhar	J. N. Mukherji	..	..	Pathria pokhar		Do	Parganas Do.
68	Rangatola, Harinkole and Sarwapur	K. K. Mukharji Brothers	..	..	Rangatola	Ha-	Do	Do.
69	Sahibganj Block No. I	Birendra Nath Sha	..	..	rinkole		Do	Do.
70	Sahibganj Block No. II	J. N. Mukherji	..	..	Motijharna		Do	Do.
71	Sahibganj Block No. III	Sital Prasad Marwari	..	..	Bhagiamari		Do	Do.
72	Sahibganj Block No. IV	Sital Prasad Marwari	..	..	Adro Bedo		Do	Do.
73	Sitaphar Patribona	Nanji Mowji	..	..	Golbandha		Do	Do.
74	Sitapahar Melitoke	Sardar Kartar Singh	..	..	Sitapahar Patribona		Do	Do.
75	Surjapahar (Malitoke)	Gurudeo Singh	..	..	Malitoke		Do	Do.
76	Taljhari Old laterite quarry	Parmanand Marwari	..	..	Do		Do	Do.
77	Salempore	J. N. Mukharji	..	..	Khairboni		Do	Do.
78	Manpur	G. W. Powell and A. Ghany	..	..	Salempore		Bhagalpur	Bhagalpur
79	Manpur	Maniruddin	..	..	Manpur		Gaya	Gaya
80	Manpur	Jogeswar Ram	..	..	Do		Do	Do.
81	Manpur	Seth Isser Dass	..	..	Do		Do	Do.
82	Manpur	Azimuddin Basant Lal	..	..	Do		Do	Do.
83	Karjura	Ramlal Basantial	..	..	Do		Do	Do.
84	Pirpahar	Bengal and N. Railway	..	..	Karjura		Do	Do.
85	Girhinda	Melaram and Basantial	..	..	Sukhurpar		Monghyr	Monghyr
86	Bodma	A. V. Sam	..	..	Girhinda		Do	Do.
87			..	..	Bodma		Jamtara	Santhal Parganas

## APPENDIX I—Contd.

No.	Name of Mine	Name of owner.	Situation		
			Village	Sub-division	District
BIHAR—contd.					
Stone Mines—contd.					
87	Tinpahar ..	Chatterjee, Shaw and Company ..	Tinpahar	Rajmahal	Santhal Parganas
88	Maharipur (locally known as Sahibganj Block No. 1).	Birendra Nath Shah ..	Matijharna	Do.	Do.
89	Tinpahar ..	Seth Teomal ..	Tinpahar	Do.	Do.
90	Pirpahar ..	Rajshahi Stone and Coal Agency ..	Dargadanga	Do.	Do.
91	Tinpahar ..	Do. ..	Tinpahar	Do.	Do.
92	Dhanghara ..	Shivanand Shivamay and Company ..		Pakur	Do.
93	Durgapur ..	Do. ..		Do.	Do.
94	Ghorapahari ..	Seth Tewamal ..	Ghorapahari	Do.	Do.
Fireclay Mines					
1	Merrah ..	Bengal Coal Company, Limited ..	Merrah		Manbhum
2	Sangamohal ..	Bihar Firebricks and Potteries, Limited ..	Sangamohal Chatabar	Dhanbad	Do.
3	Chatabar ..	Do. ..		Do.	Do.
4	Rangamati ..	Burn and Company, Limited ..	Rangamati	Do.	Do.
5	Gulfarbari ..	Do. ..	Gulfarbari	Do.	Do.

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6	Mugma Birsingpur ..	D. N. Chowdhury	Mugma Birsingpur	Dhanbad	Manbhum	
7	Kapasara	Amir Ahmed Khan	Kapasara	Do.	Do.	
8	Palasia	Alladad Khan	Palasia	Do.	Do.	
9	Jograd	Dina Nath Goral	Jograd	Do.	Do.	
10	Kethardih	Haripada Goswami	Kethardih	Do.	Do.	
11	Sulanga	D. N. Choudhury	Sulanga	Do.	Do.	
1	Ray-Dundu	Limestone Mine				
		National Cement, Mines and Industries, Limited	Ray-Dundu	Ranchi	Ranchi	
		BOMBAY				
1	Danda Govt. quarry	Stone Mines				
2	Danda quarry	Government of Bombay, Revenue Department	Danda	South Salsette	Bombay urban	Sub-
3	Sevalia	Bandra Municipality	Do.	Do.	Do.	
4	Orwad	B.B. and C.I. Railway	Sevalia	Thusra	Kaira	
5	Kinadki	Walji Bhimji	Orwad	Bulsar	Surat	
6	Motiwadia	Arjun Mavji	Khadki	Do.	Do.	
7	Ratlao	Jaganji Dayabhai Patel	Motiwadia	Do.	Do.	
8	Kachora	B.B. and C.I. Railway	Ratlao	Do.	Do.	
9	Anik	G.I.P. Railway	Kachora	Kalyan	Thana	
10	Virar	Bombay Port Trust	Anik and Mohul		Bombay urban.	Sub-
11	Kandivli	B.B. and C.I. Railway	Virar	Bassein	Thana	
		Govt. of Bombay Public Works Department	Kandivli	Salsette	Bombay urban.	Sub-

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## APPENDIX I—Contd.

APPENDIX I—Contd.						
No.	Name of Mine	Name of owner.	Situation			District
			Village	Sub-division		
BOMBAY—contd.						
Stone Mines—contd.						
12	Kandivli	Govt. of Bombay Revenue Department.	Kandivli	Salsette		Bombay Suburban
13	Malad	Do.	Malad	Do.		Do.
14	Gilbert Hill (Andheri)	Govt. of Bombay	Andheri	Andheri		Do.
15	Sevalia	Tribhubandas Harji	Sevalia	Thasra		Kaira
16	Dekor (Jaklarkhandi)	B.B. and C.I. Railway	Ralchial Jakbad and Kalscar	Do.		Do.
Bauxite Mine						
1	Taiyabpur mine	Killick, Nixon and Co.	Taiyabpur	Kapadvanj Taluka		Kaira
CENTRAL PROVINCES AND BERAR						
Stone Mines						
1	Paras	G.I.P. Railway	Paras	Balapur		Akola (Berar)
2	Katepurna	Do.	Katepurna	Murtizapur		Do.
3	Wai	Do.	Wai	Chandur		Anraoti
4	Konda Nalla	Rajawasta, Contractor	Konda	Bhandak		Chanda
5	Borkhedi	Do.	Borkhedi			Nagpur

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1	Baraduar	..	Limestone Mines			Bilaspur	..
2	Paraghat	..	Tata Iron & Steel Co., Ltd.	Dumarpara		Do.	..
		..	Jairam Valjee	.. Parsoda and Khaira			..
1	Bhiwkhund	..	Ochre Mines			Chanda	..
2	Haveli Range	..	Hashambhoy & Sons	Bhiwkhund		Do.	..
		..	Abdul Hussainmulla	Haveli Range		Jubbulpur	..
		..	Hasanally	.. Forest			..
1	Tikuria	..	Fuller's Earth Mine				..
		..	G. H. Cook & Sons	Tikuria			..
1	Hardua	..	Fireclay Mines				..
2	Pit No. 1	..	Burn & Co., Limited	Hardua	Katni	Jubbulpur	..
3	Hardua	..	Do.	Shoiteria	Do.	Do.	..
		..	Lately owned by Kalyanji Govindji	Hardua	Do.		..
4	Polipathar	..	Perfect Pottery Co., Limited	Polipathar		Do.	..
		..		..			..
1	Tikuri	..	Bauxite Mines				..
2	Tikuri	..	K. P. Pandey	.. Tikuri			..
3	Tikuri	..	C. I. Pathak and Sons	Do.	Murwara	Jubbulpur	..
		..	K. P. Pande	Do.	Do.	Do.	..
		..		DELHI	.. Jubbulpore		..
1	Mochibagh	..	Stone Mine				..
		..	Lala Sedhu Mall	Mochibagh		Delhi	..



## APPENDIX I—Contd.

No.	Name of Mine	Name of owner.	Situation		
			Village	Sub-division	District
			MADRAS		
		Stone Mines			
1	Pallavaram	Madras Corporation	Pallavaram	Saidapet Tq.	Chingleput
2	Pallavaram No. 3	Cantonment Authority	St. Thomas' Mount and Pallavaram	Do.	Do.
3	Pallavaram	Mahdi Hussain Khan	Pallavaram	Do.	Do.
4	Trisulam	Madras Port Trust	Trisulam	Do.	Do.
5	Thattankunnu-Meombakam	Garrison Engineer, Military Department, Fort St. George, Madras.	Do.	Do.	Do.
6	Agraharam (S. No. 11)	Dorbalapada Venkata Sastry	Kolakonda	Mangalgiri	Guntur.
7	Kolankonda (S. No. 12).	M. & S. M. Railway	Do.	Do.	Do.
8	Kolankonda	Public Works Department, Krishna Western Division, Bezwada	Do.	Do.	Do.
9	Kolankonda	District Board, Guntur	Do.	Do.	Do.
0	Tadepalli	Do.	Tadepalli	Do.	Do.

11	Tadepalli and Sitanagaram	Public Works Department, Western Division, Bezwada.	Tadepalli and Sitanagaram	Mangalgi	Guntur
12	Sitanagaram (S No. 344/6)	Public Works Department, Western Division, Bezwada.	Sitanagaram	Do.	Do.
13	Tadepalli	Lately owned by Municipal Council, Tennali.	Tadepalli	Do.	Do.
14	Katheru	A. Lakshmanaswamy Naidu and Others.	Katheru	Rajmundry	East Godavari
15	Molagupparai	Military Department	Trichinopoly Town	Trichinopoly	Trichinopoly
16	Sanjipparai	South Indian Railway	Edamalapet	Do.	Do.
17	Mogalrajapuram	Govt. of Madras, Public Works Department.	Mogalrajapuram	Bezwada Taluk	Kistna.
18	Pakkam	South Indian Railway	Pakkam	Madurantakam Taluk	Chingleput.
19	Stone quarry	Do.	Paranur, No. 209 of Tirrukkoyilur.		Arcot.
20	Kodambar quarry	Do.	At Mile T. 380 on the Madura Tuticorin Line on a separate siding.		Tinnevely
21	Veli quarry	Do.	Between miles Q508/10 and Q509/1.		Do.
22	M i l e Q460/16-17,	Do.	Between Katharkara and		Do.

## APPENDIX I—Contd.

No.	Name of Mine	Name of owner.	Situation		
			Village	Sub-division	District
	Q461/0-2, and Q461/16-19.	MADRAS— <i>contd.</i>	Ezhukone Stations (Sheneothah—Quilon Section).		Tinnevely
	Block Nos. 21 & 21/A	Barytes Mines			
1	Betamcherla R. F.	B. P. Seshareddy		Dhone	
2	Vemula (S. Nos. 981/5-978 and 979)	Do.		Do.	Kurnool
3	Nandipalli	A. Krishnappa and Sons	Kolumalappali Vemula	Pulivendla Taluk	Do.
4		Do.		Taluk	Cuddapah.
			Kothapalli (S. Nos. 517/2 and 517/3).	Do.	Do.
5	Vemula (S. No. 981/4)	Tiffin and Company	Vemula		
6	Vemula S. No. 1021	Do.		Do.	Do.
7	Kothapalli, S. No. 288	Do.	Do.	Do.	Do.
		Limestone Mine	Kothapalli		
1	Madukkarai	Coimbatore Cement Company, Limited.	Madukkarai	Coimbatore	Coimbatore
		Slate Mine			
1	Mine east of Nallayani	Sirasnagandla Sub-barayudu and others	Within the limits of Kelhagudi Agrahan.	Podili Taluk	Nellore

PUNJAB					
			Stone Mines		
1	Taxila	..	Hukum Chand	..	Podili Taluk
2	Taxila	..	Civil Department c/o Deputy Commissioner, Rawalpindi.	Do.	Do.
3	Sangla Hill	..	Government of the Punjab, Public Works Department (Irrigation Department.)	Sangla Hill	..
4	Sangla Hill	..	N. W. Railway	Do.	..
5	Chambal and Chanutala	..	P. W. Department (Irrigation Department.)	Chambal and Chanutala	Do.
6	Gharibwal (Jutana quarry)	..	North Western Railway	Jutana	Do.
7	Chiniot	..	N. W. Railway	Chiniot	Jhang.
1	Wah	..	Limestone Mines		
2	Usmankhattar	..	Punjab Portland Cement Ltd.	Wah	Attock.
3	Sangjani	..	Krishna Lal Malhotra Sangjani Stone Co., Limited	Usmankhattar, Sangjani	Rawalpindi.
4	Tarki	..	Government of the Punjab Public Works Department, Buildings and Roads Branch	Tarki	Do.
5	Paikhel	..	N. W. Railway	Swance	Jhelum.
1	Rohri	..	SIND Stone Mine		
		..	N. W. Railway	Rohri	Mianwali.
		..			Sukkur.

## APPENDIX. I.—Contd.

No.	Name of Mine	Name of owner.	Situation		
			Village	Sub-division	District
UNITED PROVINCES					
Stone Mines					
1	Shankergarh	Sheikh Hidayatullah	Tala	.. Allahabad.	Allahabad.
2	Shankergarh	Jethanand	Do.	Do.	Do.
3	Shankergarh	Govindram Sindhi	Benipur	Do.	Do.
4	Shankergarh	Pars Ram	Shankergarh	Do.	Do.
5	Hajitola (Shanker garh)	Govindram Sindhi	Hajitola	Do.	Do.
6	Lakhanpur (Shanker garh)	L. P. Pandey and Sons	Lakhanpur	Do.	Do.
7	Kulmajra	Daya Krishna Kapur	Kulmajra	Maw.	Banda.
8	Kulmajra	Lala Prag Narain Tandan	Do.	Do.	Do.
9	Kulmajra	Bhagwandin	Do.	Do.	Do.
10	Sheora	Nazir Hussain	Gulpura.	Jhansi-Math	Jhansi.
11	Sheora	Ram Charan and Ram Gopal	Tari.	Do.	Do.
12	Sheora	Debi Sahai and Kali Charan	Do.	Do.	Do.
13	Sheora	Murlidhar and Tek Chand	Do.	Do.	Do.
14	Chandpur Jahazpur	Randhir Singh	Chandpur hazpur.	Ja-Lalitpur.	Do.
15	Chandpur Jahazpur	Shiam Lal Tara Chand and Company	Jhulgawan.	Do.	Do.

10	Hardari Nos. 1 and 2	Pt. Shamlal Tara Hardarl.	Lalitpur	Jhansi
17	Sheora Hill	Chand and Company. G.I.P. Railway (Con- tractor—Uma Shankar).	Jhansi.	Do.
1	Lakhanpur	Ochre Mine R. P. Mustaphy .. Lakhanpur.	Do.	.. Banda.

# APPENDIX II

## FORM OF REPORT

[See Condition (1) in third column relating to entry 1 in first column of Schedule]

1. Name and situation of the mine.
2. Name of mineral worked.
3. Name and postal address of owner.
4. Name and postal address of manager.
5. Depth of the mine measured from its highest to its lowest point.
6. Number of persons employed in the mine.
7. Whether explosives are used in the mine.
8. The general condition of the mine as to safety in working.
9. Whether underground workings have been made or are likely to be made.
10. The date on which the mine was opened (for new mines only).

Date.....

*Signature of owner,  
agent or manager.*

# Indian Mines Act, 1923

## COAL MINES RESCUE RULES, 1939

No. M.-955, dated New Delhi, the 9th February 1939

In exercise of the powers conferred by section 30-A of the Indian Mines Act, 1923 (IV of 1923), the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

## COAL MINES RESCUE RULES

### CHAPTER I

#### PRELIMINARY

##### Short title and commencement

1. (1) These rules may be called the Coal Mines Rescue Rules, 1939.

(2) Rules 1 to 27 shall come into force at once. The remaining rules shall come into force on such date as the Central Government may, by notification in the *Gazette of India*, appoint.

##### Extent

2. These rules shall apply to—

- (i) the area known as the Jharia coalfield in the province of Bihar ; and
- (ii) the area known as the Raniganj coalfield in the provinces of Bengal and Bihar.

##### Definitions

3. In these rules, unless there is anything repugnant in the subject or context,—

- (a) “The Act” means the Indian Mines Act, 1923 ;
- (b) “Chief Inspector” means the Chief Inspector of Mines ;
- (c) “Committee” means the Rescue Stations Committee constituted under rule 4 ;
- (d) “Member” means a member of the Committee ; and
- (e) “President” means the President of the Committee.

### CHAPTER II

#### CONSTITUTION AND PROCEDURE OF COMMITTEE

##### Constitution of Rescue Stations Committee

4. (1) The Central Government shall constitute a Committee consisting of the following members for the establishment, maintenance and management of Rescue Stations in the areas to which these rules apply, namely :—

- (i) an Inspector of Mines, nominated by the Chief Inspector ;
- (ii) one person nominated by the Indian Mining Association ;
- (iii) one person nominated in rotation for the term of office specified in sub-rule (1) of rule 5 by the following bodies in order of priority—
  - (a) the Indian Mining Federation,
  - (b) the Indian Colliery Owners' Association ;
- (iv) one person nominated by the National Association of Colliery Managers, Indian Branch ;
- (v) one person nominated by the Indian Mine Managers Association ; and
- (vi) two persons to represent the interests of persons employed in the mines situated in the areas to which these rules apply nominated in the manner described in clause (e) of section 10 of the Act :

Provided that, if any authority or body entitled to nominate any number fails to make any nomination within a period of thirty days from the date it is called upon by the Central Government to make the nomination, the Central Government may nominate a member to fill the vacancy.

(2) The members shall elect one of their number as President.

(3) No act done by a Committee shall be questioned on the ground merely of the existence of any vacancy in, or any defects in the constitution of the Committee.

#### **Term of office**

5. (1) Save as otherwise provided in these rules, a member shall hold office for three years from the date of his appointment and shall be eligible for re-nomination :

“Provided that an outgoing member may continue in office until the appointment of his successor is notified.”

(2) A member nominated to fill a casual vacancy or a member appointed by the Central Government on the failure of any authority or body entitled to make a nomination, shall hold office so long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred or the nomination had been made, as the case may be.

(3) Inspectors of Mines shall hold office as directed by the Chief Inspector.

(4) Save as otherwise provided in these rules, the President shall hold the office of President for a period of three years from the date of his election and shall be eligible for re-election :

Provided that on ceasing to be a member, the President shall be deemed to have vacated the office of President and shall not, so long as he is not a member, be eligible for re-election.



**Resignation**

6. (1) A member other than the President may resign his office by letter addressed to the President.

(2) The President may resign his office by letter addressed to the Central Government.

**Absence from India**

7. (1) Before a member leaves India—

(a) he shall intimate to the President the date of his departure from and the date of his expected return to India ; and

(b) if he intends to be absent from India for a longer period than six months, he shall tender his resignation.

(2) If any member leaves India without taking the action required by sub-rule (1), he shall be deemed to have resigned with effect from the date of his departure from India.

(3) If the President leaves India without resigning his office as President, he shall be deemed to have resigned from the date of his departure from India.

**Vacation of office**

8. (1) A member shall be deemed to have vacated his seat on the Committee—

(a) if he becomes bankrupt or insolvent or suspends payment or compounds with his creditors ;

(b) if he is convicted of any offence which is punishable under the Indian Penal Code and is under the provisions of the Criminal Procedure Code non-bailable ; or

(c) if he is absent from meetings of the Committee during a period of three consecutive months without leave of absence from the Committee.

(2) The Central Government may after such inquiry as it deems necessary declare that the President has vacated his office and the Committee shall thereupon elect another member as President .

**Time and place of meetings**

9. (1) The President may at any time call a meeting of the Committee and shall do so if a requisition for that purposes is presented to him by four other members.

(2) The meetings of the Committee shall, unless the President in any case otherwise directs, be held at Dhanbad.

**Notice of meetings**

10. Not less than seven clear days before any meeting of the Committee notices of the time and place of the intended

meeting, signed by the President, shall be left at or posted to the usual place of residence of every other member :

Provided that in cases of urgency an emergency meeting may be summoned at any time by the President who shall inform the other members of the subject-matter for discussion and the reasons for which he considers it urgent. Business not arising out of the subject-matter shall not be introduced or transacted at an emergent meeting.

#### **Presiding at meetings**

11. The President shall preside at every meeting of the Committee at which he is present. If the President is absent from any meeting the members present shall elect one of their number to preside over the meeting and the member so elected shall at that meeting exercise all the powers of the President.

#### **Quorum**

12. No business shall be transacted at a meeting of the Committee unless at least four members are present :

Provided that if at any meeting less than four members attend the President may adjourn the meeting to a date not less than seven days later and inform the members present and notify other members that he proposes to dispose of the business at the adjourned meeting irrespective of a quorum, and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number attending.

#### **Powers and duties of the President**

13. The President shall be the Principal Executive Officer of the Committee and, in addition to the other powers and duties conferred upon him by these rules, shall—

- (a) present all important papers and matters to the Committee as early as practicable ;
- (b) issue orders as to the method of carrying out the decisions of the Committee ;
- (c) sign or, subject to a resolution by the Committee, authorise some other person to sign, cheques issued on behalf of the Committee ;
- (d) grant or, subject to a resolution by the Committee, authorise some other person to grant, receipts on behalf of the Committee for all moneys received under these rules ;
- (e) maintain or cause to be maintained an account of the receipts and expenditure of the Committee ; and
- (f) present an annual draft report on the working of the Committee to the Committee for approval and submit the report in the form approved by the Committee to the Central Government.

**Disposal of business**

14. (1) All questions which the Committee is required to take into consideration shall be considered either at its meetings or by circulation of the papers as the President may direct.

(2) When a question is referred by circulation of papers any member may request that the question be considered at a meeting of the Committee. If three or more members make such a request the President shall direct that it be so considered ; and if any member makes such a request, he may direct that it be so considered.

**List of Business**

15. (1) The President shall circulate to the other members at least three days before a meeting of the Committee a list of business to be disposed of at that meeting.

(2) No business not on the list shall be considered without the permission of the President.

**Decision by majority**

16. (1) Every question at a meeting of the Committee shall be decided by a majority of votes of the members present and voting on that question.

(2) Every question circulated to the members shall, unless the President in pursuance of sub-rule (2) of rule 14 reserves it for consideration at a meeting, be decided in accordance with the opinions of the majority recording opinions.

(3) In the case of an equal division of votes or opinions, the President shall exercise an additional vote or opinion.

**Committee's establishment**

17. (1) The Committee shall, from time to time, fix the scale of establishment and the salaries and allowances of all officers and servants to be employed by it and require security in such instances and to such amount as it thinks fit.

(2) Subject to the scale of establishment fixed under sub-rule (1), the President shall have power to appoint, dismiss, grant leave to, suspend or reduce any person in the service of the Committee :

Provided that—

- (a) no person shall be appointed to, or dismissed from, an office the salary of which is one hundred and fifty rupees or upwards without the sanction of the Committee at a meeting ;
- (b) the grant of leave, pay and allowances to officers and servants of the Committee, who are not Government servants, shall be regulated by rules made by the Committee.

Remuneration of members

18. Each member shall be paid Rs. 16 for each meeting attended by him, subject to a maximum of Rs. 32 for any one calendar month *plus* actual railway fare.

CHAPTER III

FUNDS AND ACCOUNTS

Imposition of excise duty

19. There shall be levied and collected on all coal and coke despatched by rail from collieries or to the plants situated in the areas to which these rules apply a duty of excise at the rate of 1½ pies per ton for one year from the 1st day of May 1939, and thereafter at such rate as the Central Government may, after consulting the Committee, by notification in the *Gazette of India*, fix:

Provided that, when it is proved to the satisfaction of the Committee, that any coal on which the duty of excise had previously been collected, has been used in the manufacture of any coke on which also the duty has been collected, the Committee, or the person authorised in this behalf by the Committee may order refund of the amount equal to the duty collected on such coal to the person from whom such duty was collected.

Provided that, when it is proved to the satisfaction of the Committee or any person authorised in this behalf by the Committee, that any coke, on which such excise has been collected, has been manufactured from coal on which such excise had previously been collected, the Committee or person authorised in this behalf by the Committee may order the refund of the excise collected on such coke.

Recovery of excise duty

20. The excise duty shall be collected by the Railway Administrations concerned by means of a surcharge on freight and shall be recovered—

- (a) from the consignor, if the freight charges are being prepaid at the forwarding station,
- (b) from the consignee, if the freight charges are collected at the destination of the consignment,
- (c) from the party paying the freight, if the consignment is booked on the "weight only" system:

Provided that fractions of an anna, if any, in the total amount of the excise duty recoverable on any one consignment shall be rounded off to the nearest anna.

**Weight for charge**

21. For the purposes of the levy of the excise duty, the actual weight of a consignment rounded off to the nearest ton, shall be taken into account.

**Remittance of excise duty to the Committee**

22. The total amount of excise duty collected by each Railway Administration in respect of despatches from the areas to which these rules apply, less—

(a) refunds and write-offs, authorised by the Railway Administration under rule 23,

(b) a deduction of such percentage not exceeding ten as the Central Government may, by notification in the *Gazette of India*, fix, towards the cost of collection,

shall be remitted quarterly to the Government treasury at Dhanbad for the credit of the Committee.

**Refunds and recoveries**

23. Where the amount of the excise duty due under these rules has not been collected or where the amount collected is in excess of the amount due, the Railway Administration shall deal with the undercharge or overcharge, as the case may be, on the same principles as apply to undercharges and overcharges in regard to railway freight charges.

**Deposit of moneys**

24. All excise duty and other moneys received on behalf of the Committee shall be deposited in the Government treasury at Dhanbad to the credit of the Committee :

Provided that the Committee may from time to time authorise the retention in the charge of the President or any other person of such sum as it thinks fit as petty cash to meet contingent expenditure.

**Application of excise duty and other moneys received**

25. The proceeds of the excise duty and any other moneys received by the Committee shall be applied to meeting the expenses of the Committee and the maintenance and upkeep of the Rescue Stations.

**Keeping, auditing and publication of accounts**

26. (1) The Committee shall keep accounts of all moneys received and expended during each financial year.

(2) Such accounts shall be examined and audited annually by auditors appointed in this behalf by the Central Government.

(3) The auditors may disallow any item which has, in their opinion, been expended out of any moneys so received otherwise than as directed by or under these rules.

(4) If any item is disallowed, an appeal may be made to the Central Government whose decision shall be final.

(5) The audited statement of receipts and expenditure together with the annual report referred to in clause (f) of rule 13 shall be submitted to the Central Government not later than July in each year.

(6) An abstract statement of the receipts and expenditure shall be published annually in the *Gazette of India*.

#### CHAPTER IV RESCUE STATIONS

##### Maintenance and location of Rescue Stations

27. (1) The Committee shall establish as early as practicable and maintain one Rescue Station in the Jharia coalfield and one Rescue Station in the Raniganj coalfield.

(2) The Stations shall be located—

(a) for the Jharia coalfield within a radius of 4 miles from the Dhanbad Railway Station.

(b) for the Raniganj coalfield within a radius of 5 miles from the Asansol railway station.

##### Appointment of Superintendents

28. Each Rescue Station shall be placed under the control of a competent Superintendent who—

(i) has been for two years a Superintendent or Instructor at a rescue station or a member of a permanent rescue corps, or

(ii) has been fully trained in rescue work, and has had five years' practical experience of underground work in a mine.

##### Appointment of Instructors

29. (1) Not less than three competent instructors shall be employed at each Rescue Station to train rescue workers.

(2) No person shall be appointed as an Instructor unless he has had at least three years' practical experience of underground work in a mine.

(3) The Superintendent of the station may be included as an instructor for the purpose of sub-rule (1).

(4) At least one instructor shall always be in attendance at the Station and one instructor shall be appointed to take charge of the Station in the absence of the Superintendent.

<sup>1</sup> Rules 28 to 55 came into force from 10th December 1941; vide G. of B. Gaz. Part IV C.P. 1627 of 28/12/41

**Permanent Rescue Corps**

30. (1) A permanent rescue corps shall be maintained at each Rescue Station. Exclusive of the Superintendent and of the person appointed to take charge of the Station in his absence, the corps shall consist of not less than six fully trained men. One or more members shall be trained to act as leaders.

(2) It shall be the duty of the corps—

- (a) to conduct rescue work and take all practicable steps to minimize danger in mines after any explosion or outbreak of fire or dangerous irruption of noxious or inflammable gas ;
- (b) generally to fulfil any other obligations imposed upon them by these rules.

**Attendance of Corps at Station**

31. The members of the rescue corps maintained at a Rescue Station shall be continuously employed at the Station, and in constant residence there.

**Rescue apparatus and equipment**

32. (1) At every Rescue Station there shall be provided and maintained, in good order and ready for immediate use, apparatus and equipment suitable and sufficient to enable the requirements of these rules to be carried out. Such apparatus and equipment shall include that specified in Schedule I to these rules.

(2) The following apparatus and equipment to be provided in pursuance of sub-rule (1) shall be of a type or standard approved by the Chief Inspector :—

- (a) breathing apparatus ;
- (b) smoke helmets and other apparatus serving the same purpose ;
- (c) gas masks ;
- (d) reviving apparatus ;
- (e) electric safety lamps and flame safety lamps ;
- (f) first-aid boxes ;
- (g) fire extinguishers.

Any apparatus or equipment approved by the Chief Inspector in pursuance of this rule may be approved either absolutely or subject to conditions.

(3) No apparatus or equipment specified in heads (a) to (g) in sub-rule (2) shall be provided or used at any Rescue Station or mine if it is not of a type or standard approved by the Chief Inspector.

(4) Breathing apparatus for use at a mine in rescue work or training shall be obtained as required from the Rescue Station serving the mine.

(5) All breathing apparatus and every flow-meter shall be adjusted and tested periodically, and the purity of oxygen for use in breathing apparatus shall be tested. The tests shall be made in the manner prescribed in Schedule II to these rules.

**Accidents caused by equipment or apparatus**

33. (1) A report in writing giving particulars of every accident or dangerous occurrence arising out of the use of any breathing apparatus or smoke helmets or other apparatus serving the same purpose at any mine, shall be sent within 24 hours of the accident or occurrence to the Inspector of the Circle by the manager of the mine.

(2) If any such accident or dangerous occurrence takes place at any Rescue Station, a similar report shall be sent by the Superintendent of the Station.

**CHAPTER V**

**ORGANISATION AND EQUIPMENT AT MINES**

**Appointment of men from mines to act with permanent rescue corps**

34. The manager of every mine situated in the areas to which these rules apply employing 100 or more persons underground on any one day of the preceding twelve months shall appointment on the following scale fully trained men to co-operate with the Rescue Station in rescue work and practice :—

Where the total number of persons employed underground is not more than 500.	not less than one trained man.
Where the total number of persons employed underground is more than 500 but not more than 1,000	not less than two trained men.
Where the total number of persons employed underground is more than 1,000 but not more than 1,500	not less than three trained men.
Where the total number of persons employed underground is more than 1,500	not less than four trained men.

**Disposition of rescue workers**

35. (1) So far as practicable it shall be arranged that trained men for rescue work at a mine, where there is more than one, shall not all be employed underground at the same time.



(2) Effective arrangements shall be made at every mine for summoning rescue workers immediately their services are required.

**Telephonic communication**

36. Every mine situated in the areas to which these rules apply shall be in telephonic communication with the Rescue Station serving the mine:

Provided that if the number of persons employed underground in a mine does not exceed one hundred, the requirements of this rule shall be deemed to have been complied with if the office of the mine is situated within a distance of two miles from a telephone connected to the Rescue Station:

Provided further that the Chief Inspector may exempt any mine, where there is no public telephone system, from the provisions of this rule subject to such conditions as he may impose to ensure other prompt means of communication with the Rescue Station.

**Tracings showing ventilation, etc.**

37. There shall be kept at every mine, other than an open mine, in which the number of persons employed exceeds one hundred, situated in the areas to which these rules apply, in a form suitable for use by rescue workers, a sufficient number of clear and legible tracings, not being less than three, of the workings of the mine up to a date not more than six months previously, showing the ventilation and all principal doors, stoppings and air-crossings, regulators and telephone stations, and distinguishing the intake airways by a different colour from the return airways. The signs used in these tracings shall be those specified in Schedule III to these rules.

**Selection of rescue workers**

38. (1) The persons to be trained in rescue work shall be carefully selected on the grounds of their coolness, powers of endurance and general suitability for the work, and, in the case of men from mines to be trained to co-operate with permanent rescue corps, also on the ground of their knowledge of the mine.

(2) No person shall be trained as a rescue worker unless—

- (i) he is certified by a qualified medical practitioner after examination in accordance with Schedule IV to these rules to be free from any organic disease or weakness, and to be fit for undertaking rescue work in a mine;
- (ii) he is considered by the Superintendent of the Rescue Station to be suitable for rescue work with breathing apparatus;
- (iii) the manager of the mine at which the person is employed certifies in writing that he has had sufficient

underground experience for the purpose of rescue work ;  
and

- (iv) he is the holder of a certificate of proficiency in first-aid from an organization approved by the Chief Inspector.

**Medical examination of rescue workers**

39. Every rescue worker so long as he continues to practise shall be re-examined every 12 months by a qualified medical practitioner in accordance with Schedule IV to these rules, and no person shall continue to practise after re-examination unless he is certified to be fit.

**Instruction and Practice**

40. (1) Every person selected for training in rescue work shall undergo the course of instruction and practices set out in Part I of Schedule V to these rules, until he has been certified as efficient by the Superintendent.

(2) Rescue workers who have been so certified shall undergo practices and receive instruction as set out in Part II of Schedule V to these rules.

(3) All practices required by Schedule V shall last at least two hours except on occasion when, in the opinion of the instructor, it is desirable in the interests of safety to curtail the practice. At some of the practices the breathing apparatus shall be worn continuously for two hours.

(4) A record shall be kept at every Rescue Station of all persons undergoing practices or receiving instruction in rescue work at the station. This record shall contain such particulars as the Chief Inspector may specify from time to time, including the date and character of each practice and the condition of each man after the practice, and if anything abnormal is observed in his condition, whether it is due to a defect of the apparatus or to the man himself.

**Code of Signals in training**

41. The code of signals used in training shall be that set out in Schedule VI to these rules.

**CHAPTER VI**

**CONDUCT OF RESCUE WORK**

**Duties of Manager or principal official present at surface in emergencies**

42. On receiving information of any emergency likely to require the services of a rescue corps or brigade, the manager, or, in his absence, the principal official present at the surface shall immediately—

- (a) telephone to the Rescue Station ; inform the responsible officer on duty at the Station of the character of the occurrence ; state whether assistance will be needed from rescue brigades other than the permanent rescue corps or the brigades attached to the mine ;
- (b) summon the trained men attached to the mine ;
- (c) summon medical assistance ;
- (d) telephone to the Chief Inspector or Inspector ;
- (e) if necessary, communicate with the Police Station :

Provided that if the mine is not in telephonic communication with the Rescue Station a message shall be sent by a reliable person to the nearest telephone for immediate communication to the Rescue Station and the Chief Inspector or Inspector.

#### **Entry into mines for rescue operations**

43. (1) No person shall be allowed to enter a mine or part of mine which is unsafe for the purpose of engaging in rescue operations unless authorised by the manager, or, in his absence, by the principal official of the mine present at the surface. Only men trained in the use of breathing apparatus shall be permitted to enter the mine for the purpose of using such apparatus.

(2) During the progress of such operations, a person or persons shall be stationed at the entrance of the mine and required to keep a written record of all persons entering and leaving the mine.

#### **Leader**

44. (1) Every corps or brigade engaged in work with breathing apparatus in a mine shall be under a leader appointed by the Superintendent of a Rescue Station.

(2) The leader shall not engage in manual work. He shall give his attention solely to directing the brigade and to maintaining its safety. He shall examine the roof and supports during the journey in and, if there is any likelihood of a fall, shall not proceed until the brigade has made the place secure.

#### **Numbers employed**

45. The number of persons in any corps or brigade using breathing apparatus in a mine shall not be less than five or more than six including the leader.

#### **Supply of Oxygen**

46. If the type of apparatus admits of it, at least one person in every corps or brigade shall wear an apparatus with an extension for the supply of oxygen to another person in case of necessity.

**Instructions to brigade regarding rescue operations**

47. (1) Prior to sending a brigade underground clear instructions shall be given by the principal official of the mine for the time being on the surface, or by a responsible person deputed by the agent or manager, to the leader of the brigade as to where it shall go and what it shall attempt.

(2) If the Superintendent of the Rescue Station serving the mine is present, the manager or the principal official in charge of the mine shall consult him before issuing such instructions.

(3) Unless the leader is personally thoroughly familiar with the roadways in question, the route to be followed shall be marked on a tracing, which the leader shall take with him into the mine.

(4) The leader shall not permit the brigade to go underground until he has received such instructions and, if necessary, such tracing.

(5) The leader shall not deviate from the instructions received by him except when such deviation is necessary for the purpose of saving human life.

**Fresh air bases**

48. (1) As soon as possible a base or bases shall be established in fresh air, as near to the irrespirable zone or zones as safety permits. Each such base shall, if possible, be connected by telephone if the base is underground to the surface or if the base is on the surface to the shaft bottom.

(2) Except in cases where the delay involved may result in danger to life, no brigade shall proceed beyond any place where a base is to be established until there have been stationed at such base the following :—

- (a) two men, of whom at least one should understand rescue appliances and first-aid ;
- (b) a spare brigade with rescue apparatus and ready for immediate service ;
- (c) one or more reviving apparatus, oxygen-revivers, stretchers and birds.

(3) Whenever men are already at work beyond the base, there shall be stationed at the base as soon as possible the persons, spare brigade, apparatus and equipment specified in clauses (a), (b) and (c) of sub-rule (2).

**Supply of gas-masks and arrangements at surface**

49. If the manager considers it necessary for safety, persons engaged in dealing with a fire shall be equipped with gas-masks and a rescue brigade equipped with apparatus shall be maintained on the surface in case of necessity.

**Test of apparatus**

50. Before proceeding underground the leader shall test, or witness the testing of, all rescue apparatus of the brigade. He shall check the equipment of his party, and, immediately before entering irrespirable air, shall make sure that all apparatus is working properly :

Provided that if the leader and the manager of the mine consider that in order to save life the brigade should proceed at once into the mine, this test may be dispensed with if the apparatus has previously been tested at a Rescue Station.

**Duties of leader underground**

51. (1) If the atmosphere is clear, the leader shall, when passing the junction of two or more roads, clearly indicate the route by means of arrow-marks in chalk. If the atmosphere is obscure the leader shall see that a life-line is led in from fresh air, and shall not allow any member of the brigade to move out of reach of that line ; or, if that course is impracticable, he shall not proceed until every road branching from the route is fenced across the opening.

(2) The leader shall keep the team together and shall not allow any member of the team to stray.

(3) When using rescue apparatus the leader shall carry a watch, shall read the pressure of the compressed oxygen every 20 minutes or thereabouts, and shall commence the return journey in ample time. In travelling he shall adapt the rate to that of the slowest member. If any member of the corps or brigade is in distress, he shall immediately return to the fresh air base with the whole brigade.

(4) The leader shall not permit any corps or brigade using breathing apparatus in a mine to remain at work for longer than 1½ hours at any one time.

**Duties of members of rescue brigades**

52. Every member of a rescue corps or brigade engaged in work with breathing apparatus in a mine shall obey the orders of the leader of the team.

**Travelling with rescue apparatus**

53. In travelling with rescue apparatus, each member of the brigade shall keep the place given him when numbering off. If the pace is too quick, or if distress is felt, the member shall at once call attention to the fact.

**Restriction on second spell of work**

54. No person shall commence a second or subsequent spell of work in noxious air without being examined and passed by a qualified medical practitioner, if present, or by the Rescue Station

Superintendent or other competent person if a qualified practitioner be not present.

**Code of signals**

55. Members of rescue corps or brigades shall, in general, use the signals prescribed in Schedule VI to these rules, in communicating to one another.

**SCHEDULE I**

[SEE RULE 32 (1).]

**APPARATUS AND EQUIPMENT**

**Minimum to be kept at each Rescue Station**

- (i) Twenty-four complete suits of breathing apparatus, with means of supplying sufficient oxygen or liquid aid to enable such apparatus to be constantly used for two days, and of charging such apparatus.

If the type of apparatus admits of it, one set of apparatus in every four shall be provided with an attachment for supplying oxygen or air to any person found overcome by noxious gases in a mine.

- (ii) Four smoke helmets or other apparatus serving the same purpose with not less than 120 feet of tubing for each.
- (iii) Twenty electric safety lamps or electric torches of a type approved by the Chief Inspector; and 100 approved flame safety lamps.
- (iv) Four oxygen reviving apparatus (not of the forced breathing type) each with a cylinder or cylinders capable of supplying at least 20 cubic feet of oxygen.
- (v) Thirty gas masks of a type approved by the Chief Inspector with two refills for each.
- (vi) First-aid box or boxes.
- (vii) Fresh drinking water.
- (viii) Cages of small birds for testing for carbon monoxide.
- (ix) A motor ambulance or car of adequate capacity and power in constant readiness.
- (x) Two portable signalling devices.

**SCHEDULE II**

[SEE RULE 32 (5).]

**BREATHING APPARATUS : ADJUSTMENT AND TESTS**

1. In every breathing apparatus which is arranged so as to give a uniform oxygen delivery, the reducing valve shall be so

adjusted as to supply not less than two litres of oxygen per minute.

2. Every breathing apparatus shall be thoroughly tested at least once a month in the following manner, and the results of the test giving such particulars as the Chief Inspector by order in writing may specify in this behalf shall be recorded :—

- (i) The apparatus shall be carefully examined in respect of its general condition and particular attention shall be given to any delicate and perishable parts.
- (ii) The apparatus shall be tested for leakage by completely immersing it in water. For the purpose of this test the apparatus shall be fully distended and if it is a compressed oxygen apparatus the oxygen supply shall be turned on. The apparatus, immersed in water, shall be well shaken and closely examined in every part for leakage by the Superintendent or one of the instructors of the Rescue Station, or by the captain of the rescue brigade. If any leakage is observed the apparatus shall be deemed unsafe for use.  
This test may be omitted in respect of the pack of a liquid air apparatus in so far as it would be damaged by immersion.
- (iii) The pressure at which any automatic relief valve discharges shall be measured.

3. The following additional tests shall be applied to compressed oxygen apparatus :—

- (i) The pressure in the oxygen cylinder shall be measured.
- (ii) The rate of delivery of oxygen shall be measured by a flowmeter and if that rate is capable of being adjusted by the wearer of the apparatus, it shall be measured over the whole range of adjustment.

4. No breathing apparatus shall be used underground unless immediately before use it has been tested and found safe in the manner prescribed by paragraph (ii) of clause 2 of this Schedule :

Provided that as a matter of urgency to save life, this test may be omitted and a test for leakage by mouth suction applied instead.

5. The oxygen in every cylinder supplied for use in connection with breathing apparatus shall be analysed before being used in a breathing apparatus, and no oxygen which is found to contain more than two per cent. of impurities shall be used. The results of every analysis giving such particulars as the Chief Inspector may require shall be recorded.

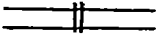

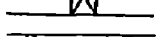
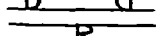

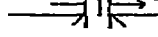
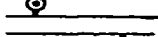
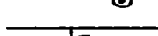

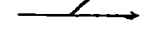

6. Flow-meters shall be tested for accuracy at least once in every six months, and the results of every test giving such particulars as the Chief Inspector may require shall be recorded.

7. Where by this Schedule any particulars are required to be recorded, they shall be recorded forthwith in a book to be kept at the station or mine, as the case may be.

### SCHEDULE III

(SEE RULE 37.)

#### CODE OF SIGNS

BRICK, STONE, OR CONCRETE VENTILATION STOPPINGS	..	..	..	..	
FIRE DAMS OR SEALS	..	..	..	..	
WATER DAMS	..	..	..	..	
DOORS	..	..	..	..	
REGULATORS	..	..	..	..	
AIR CROSSINGS	..	..	..	..	
TELEPHONES	..	..	..	..	
UNDERGROUND AMBULANCE STATION IN RED	..	..	..	..	
DIRECTION OF AIR CURRENT	..	..	..	..	
INTAKE AIRWAYS—BLUE	..	..	..	..	
RETURN AIRWAYS—RED	..	..	..	..	

### SCHEDULE IV

[SEE RULES 38 (2) (i) AND 39.]

#### MEDICAL EXAMINATION

The medical practitioner shall make a thorough examination of each person to be trained or kept in training and shall devote particular attention to the following requirements :—

I. The person must be free from—

- (i) any tendency to fainting or vertigo ;
- (ii) any chronic obstruction in the air passages ;
- (iii) dyspnoea on light exertion ;
- (iv) nystagmus ; any marked degree of myopia or any other serious optical defect or disease ;
- (v) deafness.

II. The person must be of good physical development and mental alertness, and capable of undergoing hard physical exertion for not less than 15 minutes without being unduly distressed or fatigued.



## SCHEDULE V

(SEE RULE 40.)

## PART I.—PRELIMINARY COURSE

The course of instruction and practices shall be as follows :—

**A. Instruction in**

- (i) the general methods of dealing with underground fires and the recovery of mines after fires and explosions ;
- (ii) the construction, use, repair, maintenance and testing of the type or types provided of breathing apparatus and of smoke helmets or other apparatus serving the same purpose ;
- (iii) the use of methods and apparatus for reviving men ;
- (iv) the properties and detection of the noxious and inflammable gases which may be found in mines ;
- (v) the taking of gas samples in irrespirable atmospheres ;
- (vi) the reading of mine plans ;
- (vii) the requirements contained in Chapter VI and Schedule VI to these Rules.

**B. Practices**

Not less than 12 for each man with breathing apparatus and in addition not less than two for each man with smoke helmets or other apparatus serving the same purpose, in each case under conditions devised to resemble those likely to be encountered in underground operations requiring the use of such apparatus.

(a) The practices shall be carried out as follows :—

**For Permanent Rescue Corps**

- (i) By at least five members jointly.

**For Men from Mines to act with Rescue Corps**

- (ii) Not more than eight nor less than five men shall take part in any practice. If five men from the mine do not attend on any occasion the number may be made up by members of the permanent rescue corps. So far as practicable the same five men shall practise together as one brigade.
- (b) The practices with breathing apparatus shall take place in ordinary air and shall progress gradually until practices can be carried out in a hot and irrespirable atmosphere.

- (c) The practices with breathing apparatus shall comprise the following operations :—
- (i) repeatedly raising and lowering of a weight of 56 lb. to and from a height of six feet by means of a rope and pulley,
  - (ii) walking continuously at a fair pace for half an hour,
  - (iii) building and removing temporary stoppings of stone, brick, sandbags, brattice cloth, or other materials, and carrying the materials required for such operations over a distance of at least ten yards,
  - (iv) removing debris in confined spaces as representing the clearing of a fall of roof,
  - (v) setting timber or other roof supports,
  - (vi) carrying, pushing or pulling on a stretcher a live person or dummy body weighing 150 lb. along the length of the gallery,
  - (vii) the rapid establishment of communication.

## **PART II.—PRACTICES AND INSTRUCTION AFTER BECOMING EFFICIENT**

### **A. Practices**

#### **Permanent Rescue Corps**

In addition to regular practices at the Rescue Station, practices with breathing apparatus underground in a mine at least once in each quarter and at least six times in each year. Members who are not employed regularly underground in mines shall have six further practices underground in mines in each year, making twelve practices in all.

#### **Men from Mines to act with Permanent Rescue Corps**

Practices with breathing apparatus at least twice in each quarter and at least six times in each year, of which at least two shall take place in mines, and the remainder in a hot and irrespirable atmosphere.

### **B. Instruction**

Revision of all subjects included in Part I.

**SCHEDULE VI**  
(SEE RULES 41 AND 55.)

**Code of Signals**

Electric Signalling	Signals	Signalling between Members of a brigade	Signals
"Distress" or "Help Wanted"	One ring	... "Distress" or "Help Wanted"	One hoot
		(IF NO ANSWER IS GIVEN to a call, "Distress" is to be understood)	
"Not understood" or "Repeat the Message" ...	Two rings	... Halt	... Two hoots
"No" ...	Three rings	... Retire	... Three hoots
"Yes" or "All right" or "All's well"	Four rings	... Advance	... Four hoots
To "ring up" To "ring off"	Five rings	... To call attention	... Five hoots

**BOMBAY CASTLE, 1ST MARCH 1939**

No. M.-955 (1), dated Simla, 14th May 1936 :

In pursuance of sub-section (2) of section 1 of the Indian Mines (Amendment) Act, 1936 (XI of 1936), the Governor General in Council is pleased to appoint the 16th May 1936 as the date of which the said Act shall come into force.

(Vide G. of B. Gaz. Part IV-A P. 498 of 28-5-36).

No. M.-955, dated Simla, the 20th July 1939

In pursuance of Clause (b) of rule 22 of the Coal Mines Rescue Rules, 1939, the Central Government is pleased to fix 7½ as the percentage which each Railway Administration shall be entitled to deduct, towards the cost of collection, from the total amount of excise duty collected by it under the said rule.

(Vide G. of B. Gaz. Part IV-A. P. 1583 of 24/8.

In exercise of the powers conferred by section 47 of the Indian Mines Act, 1923 (IV of 1923), the Central Government is pleased to modify as follows the orders contained in Government of India Notifications No. 5731 dated 24th November 1943 and No. M.-5962 dated 4th December 1943.

In condition (1) of each of the said orders, for the words "six feet" the words "five and half feet" shall be substituted.

(Vide Gaz. of India Extra. of 16-1-44).

# Indian Trade Unions Act, 1926

INDIA ACT NO. XVI OF 1926<sup>1</sup>

*An Act to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India.*

WHEREAS it is expedient to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India; It is hereby enacted as follows :—

## CHAPTER I.

### PRELIMINARY

#### Short title, extent and commencement.

1. (1) This Act may be called the Indian Trade Unions Act, 1926.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on such <sup>2</sup>date as the <sup>3</sup>[Central Government] may, by notification in the <sup>4</sup>[Official Gazette], appoint.

#### Definition.

2 In this Act <sup>5</sup>[“the appropriate Government” means, in relation to Trade Unions whose objects are not confined to one province, the Central Government, and in relation to other Trade Unions, the Provincial Government, and] unless there is anything repugnant in the subject or context,—

(a) “executive” means the body, by whatever name called, to which the management of the affairs of a Trade Union is entrusted;

<sup>1</sup> For Statement of Objects and reasons, see Gazette of India, 1923, Pt. V., p. 8, and for Report of Select Committee, see *ibid.*, p. 107.

<sup>2</sup> This Act was brought into force on the 1st June, 1927, see Gazette of India, 1927, Pt. I, p. 467.

<sup>3</sup> These words were substituted for the words “Governor General in Council” by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>4</sup> These words were substituted for the words “Gazette of India”, *ibid.*

<sup>5</sup> These words were inserted, *ibid.*

- (b) "officer" in the case of a Trade Union, includes any member of the executive thereof, but does not include an auditor ;
- (c) "prescribed" means prescribed by regulations made under this Act ;
- (d) "registered office" means that office of a Trade Union which is registered under this Act as the head office thereof ;
- (e) "Registered Trade Union" means a Trade Union registered under this Act ;
- (f) "Registrar" means a Registrar of Trade Unions appointed by the <sup>1</sup>[appropriate Government] under Section 3, and "the Registrar," in relation to any Trade Union, means the Registrar appointed for the province in which the head or registered office, as the case may be, of the Trade Union is situated ;
- (g) "trade dispute" means any dispute between employers and workmen or between workmen and workmen, or between employers and employers which is connected with the employment or non-employment, or the terms of employment or the conditions of labour, of any person, and "workmen" means all persons employed in trade or industry whether or not in the employment of the employer with whom the trade dispute arises ; and
- (h) "Trade Union" means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen, or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more Trade Unions :

Provided that this Act shall not affect—

- (i) any agreement between partners as to their own business ;

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<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

- (ii) any agreement between an employer and those employed by him as to such employment; or
- (iii) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft.

## CHAPTER II.

### REGISTRATION OF TRADE UNIONS

#### Appointment of Registrars.

3. <sup>1</sup>[The appropriate Government] shall appoint a person to be the Registrar of Trade Unions for <sup>2</sup>[each Province].

#### Mode of registration.

4. Any seven or more members of a Trade Union may, by subscribing their names to the rules of the Trade Union and by otherwise complying with the provisions of this Act with respect to registration, apply for registration of the Trade Union under this Act.

#### Application for registration.

5. (1) Every application for registration of a Trade Union shall be made to the Registrar, and shall be accompanied by a copy of the rules of the Trade Union and a statement of the following particulars, namely:—

- (a) the names, occupations and addresses of the members making the application;
- (b) the name of the Trade Union and the address of its head office; and
- (c) the titles, names, ages, addresses and occupations of the officers of the Trade Union.

(2) Where a Trade Union has been in existence for more than one year before the making of an application for its registration, there shall be delivered to the Registrar, together with the application, a general statement of the assets and liabilities of the Trade Union prepared in such form and containing such particulars as may be prescribed.

<sup>1</sup> These words were substituted for the words "each Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "the province", *ibid.*

**Provisions to be contained in the rules of a Trade Union.**

6, A Trade Union shall not be entitled to registration under this Act, unless the executive thereof is constituted in accordance with the provisions of this Act, and the rules thereof provide for the following matters, namely :—

- (a) the names of the Trade Union ;
- (b) the whole of the objects for which the Trade Union has been established ;
- (c) the whole of the purposes for which the general funds of the Trade Union shall be applicable, all of which purposes shall be purposes to which such funds are lawfully applicable under this Act ;
- (d) the maintenance of a list of the members of the Trade Unions and adequate facilities for the inspection thereof by the officers and members of the Trade Union ;
- (e) the admission of ordinary members who shall be persons actually engaged or employed in an industry with which the Trade Union is connected, and also the admission of the number of honorary or temporary members as officers required under Section 22 to form the executive of the Trade Union ;
- (f) the conditions under which any member shall be entitled to any benefit assured by the rules and under which any fine or forfeiture may be imposed on the members ;
- (g) the manner in which the rules shall be amended, varied or rescinded ;
- (h) the manner in which the members of the executive and the other officers of the Trade Union shall be appointed and removed ;
- (i) the safe custody of the funds of the Trade Union, an annual audit, in such manner as may be prescribed, of the accounts thereof, and adequate facilities for the inspection of the account books by the officers and members of the Trade Union ; and
- (j) the manner in which the Trade Union may be dissolved.

**Power to call for further particulars and to require alteration of name.**

7. (1) The Registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of Section 5, or that the Trade Union is entitled to registration under Section 6, and may refuse to register the Trade Union until such information is supplied.

(2) If the name under which a Trade Union is proposed to be registered is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall require the persons applying for registration to alter the name of the Trade Union stated in the application, and shall refuse to register the Union until such alteration has been made.

**Registration.**

8. The Registrar, on being satisfied that the Trade Union has complied with all the requirements of the Act in regard to registration, shall register the Trade Union by entering in a register, to be maintained in such form as may be prescribed, the particulars relating to the Trade Union contained in the statement accompanying the application for registration.

**Certificate of registration.**

9. The Registrar, on registering a Trade Union under Section 8, shall issue a certificate of registration in the prescribed form which shall be conclusive evidence that the Trade Union has been duly registered under this Act.

**Cancellation of registration.**

10. A certificate of registration of a Trade Union may be withdrawn or cancelled by the Registrar—

- (a) on the application of the Trade Union to be verified in such manner as may be prescribed, or
- (b) if the Registrar is satisfied that the certificate has been obtained by fraud or mistake, or that the Trade



- c Union has ceased to exist or has wilfully and after notice from the Registrar contravened any provision of this Act or allowed any rule to continue in force which is inconsistent with any such provision, or has rescinded any rule providing for any matter provision for which is required by Section 6 :

Provided that not less than two months' previous notice in writing specifying the ground on which it is proposed to withdraw or cancel the certificate shall be given by the Registrar to the Trade Union before the certificate is withdrawn or cancelled otherwise than on the application of the Trade Union.

### Appeal.

<sup>1</sup>[11. (1) Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal—

- (a) where the head office of the Trade Union is situated within the limits of a Presidency-town <sup>2</sup>\* \* \*, to the High Court, or
- (b) where the head office is situated in any other area, to such Court, not inferior to the Court of an additional or Assistant Judge of a principal Civil Court of original jurisdiction, as the <sup>3</sup>[appropriate Government] may appoint in this behalf for that area.

(2) The appellate Court may dismiss the appeal, or pass an order directing the Registrar to register the Union and to issue a certificate of registration under the provisions of Section 9 or setting aside the order for withdrawal or cancellation of the certificate, as the case may be, and the Registrar shall comply with such order.

(3) For the purpose of an appeal under sub-section (1) an appellate Court shall, so far as may be, follow the same procedure and have the same powers as it follows

<sup>1</sup> This section was substituted by s. 2 of the Indian Trade Unions (Amendment) Act, 1928 (XV of 1928).

<sup>2</sup> The words "or of Rangoon" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1927.

<sup>3</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

and has when trying a suit under the Code of Civil Procedure, 1908, and may direct by whom the whole or any part of the costs of the appeal shall be paid and such costs shall be recovered as if they had been awarded in a suit under the said Code.

(4) In the event of the dismissal of an appeal by any Court appointed under clause (b) of sub-section (1), the person aggrieved shall have a right of appeal to the High Court, and the High Court shall, for the purposes of such appeal, have all the powers of an appellate Court under sub-sections (2) and (3) and provisions of those sub-sections shall apply accordingly.]

#### **Registered Office.**

12. All communications and notices to a registered Trade Union may be addressed to its registered office. Notice of any change in the address of the head office shall be given within fourteen days of such change to the Registrar in writing, and the changed address shall be recorded in the register referred to in Section 8.

#### **Incorporation of registered Trade Unions.**

13. Every registered Trade Union shall be a body corporate by the name under which it is registered, and shall have perpetual succession and a common seal with power to acquire and hold both moveable and immoveable property and to contract, and shall by the said name sue and be sued.

#### **Certain Acts not to apply to registered Trade Unions.**

14. The following Acts, namely :—

- (a) The Societies Registration Act, 1860,
- (b) The Co-operative Societies Act, 1912,
- { \* (c) [Repealed].
- { \* (d) [Repealed].
- (e) The Indian Companies Act, 1913,

shall not apply to any registered Trade Union, and the registration of any such Trade Union under any such Act shall be void.

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\* Repealed by the Repealing and amending Act No. XXV of 1912.

## CHAPTER III.

RIGHTS AND LIABILITIES OF REGISTERED  
TRADE UNIONS.**Objects on which general funds may be spent.**

15. The general funds of a registered Trade Union shall not be spent on any other objects than the following, namely :—

- (a) the payment of salaries, allowances and expenses to officers of the Trade Union ;
- (b) the payment of expenses for the administration of the Trade Union, including audit of the accounts of general funds of the Trade Union ;
- (c) the prosecution or defence of any legal proceeding to which the Trade Union or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs ;
- (d) the conduct of trade disputes on behalf of the Trade Union or any member thereof ;
- (e) the compensation of members for loss arising out of trade disputes ;
- (f) allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members ;
- (g) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment ;
- (h) the provision of educational, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or for the dependants of members ;

- (i) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen as such ;
- (j) the payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workmen in general, provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year ; and
- (k) subject to any conditions contained in the notification, any other object notified by the <sup>1</sup>[appropriate Government] in the <sup>2</sup>[Official Gazette].

**Constitution of a separate fund for political purposes.**

16. (1) A registered Trade Union may constitute a separate fund, from contributions separately levied for or made to that fund, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects specified in sub-section (2).

(2) The objects referred to in sub-section (1) are :—

- (a) the payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any legislative body constituted under the Government of India Act, <sup>3</sup>[or the Government of India Act, 1935,] or of any local authority, before, during, or after the election in connection with his candidature or election ; or

<sup>1</sup> These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "Gazette of India" *ibid.*

<sup>3</sup> These words and figures were inserted, *ibid.*

- (b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate ; or
- (c) the maintenance of any person who is a member of any legislative body constituted under the Government of India Act, <sup>1</sup>[or the Government of India Act, 1935,] or of any local authority ; or
- (d) the registration of electors or the selection of a candidate or any legislative body constituted under the Government of India Act, <sup>2</sup>[or the Government of India Act, 1935,] or for any local authority ; or
- (e) the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.

(3) No member shall be compelled to contribute to the fund constituted under sub-section (1) ; and a member who does not contribute to the said fund shall not be excluded from any benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantages as compared with other members of the Trade Union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund ; and contribution to the said fund shall not be made a condition for admission to the Trade Union.

#### **Criminal conspiracy in trade disputes.**

17. No officer or member of a registered Trade Union shall be liable to punishment under sub-section (2) of Section 120B of the Indian Penal Code, in respect of any agreement made between the members for the purpose of furthering any such object of the Trade Union as is specified in Section 15, unless the agreement is an agreement to commit an offence.

#### **Immunity from civil suit in certain cases.**

18. (1) No suit or other legal proceeding shall be maintainable in any Civil Court against any registered

<sup>1</sup> These words and figures were inserted, *ibid*.

<sup>2</sup> These words and figures were inserted by the Government of India (Adaptation of Indian Laws) Order, 1937.

Trade Union or any officer or member thereof in respect of any act done in contemplation or furtherance of a trade dispute to which a member of the Trade Union is a party on the ground only that such act induces some other person to break a contract of employment, or that it is interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

(2) A registered Trade Union shall not be liable in any suit or other legal proceeding in any Civil Court in respect of any tortious act done in contemplation or furtherance of a trade dispute by an agent of the Trade Union if it is proved that such person acted without the knowledge of, or contrary to express instructions given by, the executive of the Trade Union.

**Enforceability of agreements.**

19. Notwithstanding anything contained in any other law for the time being in force, an agreement between the members of a registered Trade Union shall not be void or voidable merely by reason of the fact that any of the objects of the agreement are in restraint of trade :

Provided that nothing in this Section shall enable any Civil Court to entertain any legal proceeding instituted for the express purpose of enforcing or recovering damages for the breach of any agreement concerning the conditions on which any members of a Trade Union shall or shall not sell their goods, transact business, work, employ or be employed.

**Right to inspect book of Trade Union.**

20. The account books of a registered Trade Union and the list of members thereof shall be open to inspection by an officer or member of the Trade Union at such times as may be provided for in the rules of the Trade Union.

**Rights of minors to membership of Trade Unions.**

21. Any person who has attained the age of fifteen years may be a member of a registered Trade Union subject to any rules of the Trade Union to the contrary,

and may, subject as aforesaid, enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the rules :

Provided that no person who has not attained the age of eighteen years shall be an officer of any such Trade Union.

**Proportion of officers to be connected with the industry.**

22. Not less than one-half of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in an industry with which the Trade Union is connected :

Provided that the <sup>1</sup>[appropriate Government] may, by special or general order, declare that the provisions of this Section shall not apply to any Trade Union or class of Trade Unions specified in the order.

**Change of name.**

23. Any registered Trade Union may, with the consent of not less than two-thirds of the total number of its members and subject to the provisions of Section 25, change its name.

**Amalgamation of Trade Unions.**

24. Any two or more registered Trade Unions may become amalgamated together as one Trade Union with or without dissolution or division of the funds of such Trade Unions of either or any of them, provided that the votes of at least one-half of the members of each or every such Trade Union entitled to vote are recorded, and that at least sixty per cent. of the votes recorded are in favour of the proposal.

**Notice of change of name or amalgamation.**

25. (1) Notice in writing of every change of name and of every amalgamation, signed, in the case of a change of name, by the Secretary and by seven members of the Trade

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<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

Union changing its name, and, in the case of an amalgamation, by the Secretary and by seven members of each and every Trade Union which is a party thereto, shall be sent to the Registrar, and where the head office of the amalgamated Trade Union is situated in different province, to the Registrar of such province.

(2) If the proposed name is identical with that by which any other existing Trade Union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either Trade Union, the Registrar shall refuse to register the change of name.

(3) Save as provided in sub-section (2), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name in the register referred to in Section 8, and the change of name shall have effect from the date of such registration.

(4) The Registrar of the province in which the head office of the amalgamated Trade Union is situated shall, if he is satisfied that the provisions of this Act in respect of amalgamation have been complied with and that the Trade Union formed thereby is entitled to registration under Section 6, register the Trade Union in the manner provided in Section 8, and the amalgamation shall have effect from the date of such registration.

#### **Effects of change of name and of amalgamation.**

26. (1) The change in the name of a registered Trade Union shall not affect any rights or obligations of the Trade Union or render defective any legal proceeding by or against the Trade Union, and any legal proceeding which might have been continued or commenced by or against it by its former name may be continued or commenced by or against it by its new name.

(2) An amalgamation of two or more registered Trade Unions shall not prejudice any right of any of such Trade Unions or any right of a creditor of any of them.



**Dissolution.**

27. (1) When a registered Trade Union is dissolved, notice of the dissolution signed by seven members and by the Secretary of the Trade Union shall, within fourteen days of the dissolution, be sent to the Registrar, and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the Trade Union, and the dissolution shall have effect from the date of such registration.

(2) Where the dissolution of a registered Trade Union has been registered and the rules of the Trade Union do not provide for the distribution of funds of the Trade Union on dissolution, the Registrar shall divide the funds amongst the members in such manner as may be prescribed.

**Returns.**

28. (1) There shall be sent annually to the Registrar, on or before such date as may be prescribed, a general statement, audited in the prescribed manner, of all receipts and expenditure of every registered Trade Union during the year ending on the 31st day of March next preceding such prescribed date, and of the assets and liabilities of the Trade Union existing on such 31st day of March. The statement shall be prepared in such form and shall comprise such particulars as may be prescribed.

(2) Together with the general statement there shall be sent to the Registrar a statement showing all changes of officers made by the Trade Union during the year to which the general statement refers, together also with a copy of the rules of the Trade Union corrected up to the date of the despatch thereof to the Registrar.

(3) A copy of every alteration made in the rules of a registered Trade Union shall be sent to the Registrar within fifteen days of the making of the alteration.

CHAPTER IV.  
REGULATIONS.

**Power to make regulations.**

29. (1) <sup>1</sup>\* \* \*, the <sup>2</sup>[appropriate Government] may make regulations for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

- (a) the manner in which Trade Unions and the rules of Trade Unions shall be registered and the fees payable on registration ;
- (b) the transfer of registration in the case of any registered Trade Union which has changed its head office from one province to another ;
- (c) the manner in which, and the qualifications of persons by whom, the accounts of registered Trade Unions or of any class of such Unions shall be audited ;
- (d) the conditions subject to which inspection of documents kept by Registrars shall be allowed and the fees which shall be chargeable in respect of such inspections ; and
- (e) any matter which is to be or may be prescribed.

**Publication of regulations.**

30. (1) The power to make regulations conferred by Section 29 is subject to the condition of the regulations being made after previous publication.

(2) The date to be specified in accordance with clause (3) of Section 23 of the General Clauses Act, 1897, as that after which a draft of regulations proposed to be made will be taken into consideration shall not be less than three months from the date on which the draft of the proposed regulations was published for general information.

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<sup>1</sup> The words "Subject to the control of the Governor General in Council" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "Local Government", *ibid.*

(3) Regulations so made shall be published in the <sup>1</sup>[*Official Gazette*], and on such publication shall have effect as if enacted in this Act.

## CHAPTER V.

### PENALTIES AND PROCEDURE.

#### **Failure to submit returns.**

31. (1) If default is made on the part of any registered Trade Union in giving any notice or sending any statement or other document as required by or under any provision of this Act, every officer or other person bound by the rules of the Trade Union to give or send the same, or, if there is no such officer or person, every member of the executive of the trade Union, shall be punishable with fine which may extend to five rupees and, in the case of continuing default, with an additional fine which may extend to five rupees for each week after the first during which the default continues : .

Provided that the aggregate fine shall not exceed fifty rupees.

(3) Any person who wilfully makes, or causes to be made, any false entry in, or any omission from, the general statement required by Section 28, or in or from any copy of rules or of alterations of rules sent to the Registrar under that Section, shall be punishable with fine which may extend to five hundred rupees.

#### **Supplying false information regarding Trade Unions.**

32. Any person who, with intent to deceive, gives to any member of a registered Trade Union or to any person intending or applying to become a member of such Union any document purporting to be a copy of the rules of the Trade Union or of any alterations to the same which he knows or has reason to believe, is not a correct copy of such rules or alterations as are for the time being in force, or any person who, with the like intent, gives a copy of any

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<sup>1</sup> These words were substituted for the words "*Local Official Gazette*" by the Government of India (*Adaptation of Indian Laws*) Order, 1937.

rules of an unregistered Trade Union to any person on the pretence that such rules are the rules of a registered Trade Union, shall be punishable with fine which may extend to two hundred rupees.

**Cognizance of offences.**

33. (1) No Court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence under this Act.

(2). No Court shall take cognizance of any offence under this Act, unless complaint thereof has been made by, or with the previous sanction of, the Registrar or, in the case of an offence under Section 32, by the person to whom the copy was given, within six months of the date on which the offence is alleged to have been committed.

## Indian Trade Unions Act, 1926

### BOMBAY TRADE UNIONS REGULATIONS, 1927

BOMBAY CASTLE, 21ST MAY 1927

No. 6377.—In exercise of the powers conferred by section 29 of the Indian Trade Unions Act, 1926 (XVI of 1926), the Governor in Council is pleased to make the following regulations with effect from 1st June 1927 for the purpose of carrying into effect the provisions of the said Act :—

**Short title**

1. These regulations may be called the Bombay Trade Unions Regulations, 1927.

**Extent**

1A. They shall extend to trade unions whose objects are confined to the Province of Bombay.

**Definitions**

2. In these regulations—

- (a) "the Act" means the Indian Trade Unions Act, 1926 ;
- (b) "Form" means a form appended to these regulations ;
- (c) "Section" means a section of the Indian Trade Unions Act, 1926.

**Form of application for registration**

3. Every application for registration of a Trade Union shall be made in Form A.

**Evidence to prove authority to make application**

4. Upon an application for the registration of a Trade Union, the Registrar may require from the applicants such evidence as may seem to him necessary to show that the applicants have been duly authorised to make the application on behalf of the Trade Union.

**Form of register**

5. The register of Trade Unions referred to in section 8 shall be maintained in Form B.

**Form of certificate**

6. The certificate of registration issued by the Registrar under section 9 shall be in Form C.

**Fee for registration**

7. The fee payable on registration of a Trade Union shall be as follows :—

Rs. 5 for a Trade Union with a membership of 1,000 or over.

Rs. 2 for a Trade Union with a membership of less than 1,000.

**8. Withdrawal or cancellation of certificate of registration—****Form of application for withdrawal or cancellation**

(1) Every application by a Trade Union for withdrawal or cancellation of its certificate of registration shall be sent to the Registrar in Form D.

**Verification of application**

(2) The Registrar on receiving an application for withdrawal or cancellation of registration shall, before granting the application, verify that the application was approved in a general meeting of the Trade Union, or if it was not so approved, that it has the approval of a majority of the members of the Trade Union. For this purpose the Registrar may call for such particulars as he may deem necessary and may examine any officer of the Union.

**Appeals**

9. Any appeal made under sub-section (1) of section 11 shall be filed within ninety days of the date on which the Registrar passed the order against which the appeal is made.

**Change of address of Head Office of a Trade Union**

10. Notice of any change in the address of the head office of a Trade Union shall be given to the Registrar in Form G.

**11. Cancelled.**

**Alteration of rules**

12. (1) On receiving a copy of any alteration made in the rules of a Trade Union under sub-section (3) of section 28, the Registrar shall, unless he has reason to believe that the alteration has not been made in the manner provided by the rules of the Trade Union or unless the alteration is not in accordance with the provisions of the Act, register the alteration in a register to be maintained for this purpose and shall notify the fact that he has done so to the Secretary of the Trade Union.

(2) The fee payable for registration of alterations of rules shall be Re. 1 for each set of alterations made simultaneously.

**Change of name**

13. (1) The notice of any change of the name of a Trade Union shall be sent to the Registrar in Form E.

(2) When the Registrar registers a change of name under section 25, sub-section (3), he shall certify under his signature at the foot of the certificate issued under regulation 6 that the new name has been registered. The secretary shall present the certificate to the Registrar for making this entry.

**Amalgamation of Trade Unions—Form of notice**

14. Notice of every amalgamation shall be sent to the Registrar in duplicate in Form F.

**Dissolution of registered Trade Unions**

15. When a registered Trade Union is dissolved, notice of the dissolution shall be sent to the Registrar in Form H.

**Division of funds**

16. Where it is necessary for the Registrar, under sub-section (2) of section 27, to distribute the funds of a registered Trade Union which has been dissolved, he shall divide the fund among the members in proportion to the amounts contributed by them by way of subscription during their membership.

**Annual returns**

17. The general statement to be furnished under section 28 shall be submitted to the Registrar by the 31st day of July in each year and shall be in Form I.

**Audit**

18. (1) Save as provided in sub-regulations (2), (3), (4) and (5) of this regulation the annual audit of the accounts of any registered Trade Union shall be conducted by an auditor authorized to audit the accounts of companies under sub-section (1) of section 144 of the Indian Companies Act, 1913.

(2) Where the membership of a registered Trade Union did not at any time during the year ending on the 31st March exceed 2,000, the annual audit of the accounts may be conducted—

- (a) by an examiner of local fund accounts, or
- (b) by any local fund auditor appointed by the Central Government, or
- (c) by any person who, having held an appointment under the Central Government in any audit or accounts department, is in receipt of a pension of not less than Rs. 200 per mensem.

(3) Where the membership of a registered Trade Union did not at any time during the year ending on the 31st day of March exceed 1,000, the annual audit of the accounts may be conducted—

- (a) by any two persons holding office as a magistrate or a judge or as a councillor of any municipality or member of a district local board, or of either Chamber of the Provincial or Central Legislature ;
- (b) by any person who, having held an appointment under the Central Government in any audit or accounts department, is in receipt of a pension from the Central Government of not less than Rs. 75 a month, or
- (c) by any auditor appointed to conduct the audit of co-operative societies by the Provincial Government or by the Registrar of Co-operative Societies or by any Provincial co-operative organization recognized by the Provincial Government for this purpose.

(4) Where the membership of a registered Trade Union did not at any time during the year ending on the 31st March exceed 500, the annual audit of the accounts may be conducted by any two members of such registered Trade Union.

(5) Where the registered Trade Union is a federation of Trade Unions, and the number of such Unions affiliated to it at any time during the year ending on the 31st March did not exceed 50, 15 or 5 respectively, the audit of the accounts of the federation may be conducted as if it had not at any time during the year had a membership of more than 2,000, 1,000 or 500 respectively.

#### **Disqualification of auditors**

19. Notwithstanding anything contained in regulation 18, no person who at any time during the year for which the accounts are to be audited was entrusted with any part of the funds or securities belonging to a registered Trade Union shall be eligible to audit the accounts of that Union.

20. The auditor or auditors appointed in accordance with these regulations shall be given access to all the books of the registered Trade Union concerned and shall verify the general statement submitted under section 28 with the accounts and vouchers relating thereto, and shall thereafter sign the auditor's declaration appended to Form I, indicating separately on that form under

his signature or their signatures a statement showing in what respect he or they find the return to be incorrect, not supported by vouchers or not in accordance with the Act. The particulars given in the statement shall indicate—

- (a) every payment which appears to be unauthorised by the rules of the registered Trade Union concerned, or contrary to the provisions of the Act,
- (b) the amount of any deficit or loss which appears to have been incurred by the negligence or misconduct of any person,
- (c) the amount of any sum which ought to have been but is

**Audit of political fund**

21. The audit of the political fund of a registered Trade Union shall be carried out along with the audit of the general account of the registered Trade Union by the same auditor or auditors.

**Inspection of register and documents**

22. (1) The register of Trade Unions maintained in accordance with regulation 5 shall be open to inspection by any person on payment of a fee of annas eight.

(2) Any documents in the possession of the Registrar received from a registered Trade Union may be inspected by any member of that Union on payment of a fee of annas eight for each document inspected.

(3) Documents shall be open to inspection every day on which the office of the Registrar is open and within such hours as may be fixed for this purpose by the Registrar.

**FORM A**

**TRADE UNIONS ACT, 1926**

**APPLICATION FOR REGISTRATION OF TRADE UNIONS**

Name of Trade Union

Address :

Dated the

day of

19

This application is made by the persons whose names are subscribed at the foot hereof.

2. The name under which it is proposed that the Trade Union on behalf of which this application is made shall be registered is ..... as set forth in Rule No .....

3. The address of the Head Office of the Union to which all communications and notices may be addressed is .....

4. The ..... Union came into existence on the ..... day of ..... 19 .



5. The Union is a union of employers/workers engaged in the ..... industry/or ..... profession/or (establishment), and has ..... members.

6. The particulars required by section 5 (1) (c) of the Indian Trade Unions Act, 1926, are given in Schedule I.

7. The particulars given in Schedule II show the provision made in the rules for the matters detailed in section 6 of the Indian Trade Unions Act, 1926.

8. (To be struck out in the case of Unions which have not been in existence for one year before the date of application.) The particulars required by section 5 (2) of the Indian Trade Unions Act, 1926, are given in Schedule III.

9. One copy of the Rules of the Union, is attached to this application.

10. We have been duly authorised by the Trade Union to make this application on its behalf, such authorisation consisting of\*.....

			Signature	Occupation	Address
(Signed)	1	...			
	2	...			
	3	...			
	4	...			
	5	...			
	6	...			
	7	...			

To

The Registrar of Trade Unions for the Province of Bombay.  
Secretariat, Bombay.

.....

...

\* State here whether the authority to make this application was made by a "resolution of a general meeting of the Trade Union" or, if not, in what other way it was given.

**FORM A**  
**SCHEDULE I**  
**TRADE UNIONS ACT, 1926**  
**LIST OF OFFICERS**

Name of Trade Union

Office held in Union	Name	Age	Address	Occupation

**SCHEDULE II**  
**REFERENCE TO RULES**

The numbers of the rules making provision for the several matters detailed in column 1 are given in column 2 below :—

1 Matter	2 Number of rules
Name of Union.	
The whole of the objects for which the Union has been established.	
The whole of the purposes for which the general funds of the Union shall be applicable.	
The maintenance of a list of members.	
The facilities provided for the inspection of the list of members of officers and members.	
The admission of ordinary members.	
The admission of honorary or temporary members.	
The conditions under which members are entitled to benefits assured by the rules.	
The conditions under which fines or forfeitures can be imposed or varied.	
The manner in which the rules shall be amended, varied or rescinded.	
The manner in which the members of the executive and the other officers of the union shall be appointed and removed.	
The safe custody of the funds.	
The annual audit of the accounts.	
The facilities for the inspection of the account books by officers and members.	
The manner in which the union may be dissolved.	

**SCHEDULE III**

(This need not be filled in if the Union came into existence less than one year before the date of application for Registration)

**Statement of Liabilities and Assets on the                      day of 19 .**

Liabilities	Rs. a. p.	Assets	Rs. a. p.
Amount of general fund		Cash :—	
Amount of political fund		In hands of Treasurer	
		In hands of Secretary	
		In hands of	
Loans from—		In the Bank	
		In the Bank	
Debts due to		Securities as per list below	
		Unpaid subscriptions due	
Other liabilities (to be specified)		Loans to—	
		Immoveable property	
		Goods and furniture	
		Other assets (to be specified)	
Total liabilities..		Total assets..	

**List of Securities**

Particulars	Face value	Cost price	Market value	In hands of

(Signed)

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.



## CERTIFICATE OF REGISTRATION OF TRADE UNION

Registration Number

**Union has been registered under the Indian Trade Unions Act, 1926, this                      day of                      19   .**



for the Province of Bombay.  
Registrar of Trade Unions

\* If not at a general meeting, state in what manner the request has been determined upon.

## 507

**TRADE UNIONS ACT, 1926**

**Registration Number**

**Address :**

Dated this            day of            19 .

**The Registrar of Trade Unions for the Province of Bombay,**  
**Secretariat, Fort, Bombay.**

Notice is hereby given that the provisions of section 23 of the Trade Unions Act having been complied with the name of the abovementioned Trade Union has been changed to

The consent of the members was obtained by

(Signed)	1.	}	Secretary.
	2.		
	3.	}	Members.
	4.		
	5.		
	6.		
	7.		
	8.		

\* i. e., by referendum resolution of a general meeting etc. If procedure followed is

## LABOUR AND FACTORY LEGISLATION

## FORM F

## TRADE UNIONS ACT, 1926

## Notice of Amalgamation of Trade Unions

- A. Name of Registered Trade Union  
Number of Registration
- B. Name of Registered Trade Union  
Number of Registration  
(and so on if more than two).

Address :

Dated this

day of

19

To

The Registrar of Trade Unions for the Province of Bombay,  
Secretariat, Fort, Bombay.

Notice is hereby given that in accordance with the requirements of section 24 of the abovementioned Act the members of each (or every one) of the abovementioned Trade Unions have resolved to become amalgamated together as one Trade Union.

And that the following are the terms of the said amalgamation (*state the terms*).

And that it is intended that the Trade Union shall henceforth be called the

Accompanying this notice is a copy of the rules intended to be henceforth adopted by the Amalgamated Trade Union which are the rules (if so) of the  
Union.

(To be signed by seven members and the  
Secretary of each Trade Union.)

Name and address (Signed)  
to which registered  
copy is to be sent.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Secretary.

Members.

FORM G

TRADE UNIONS ACT, 1926

**Notice of change of address of the Head Office of a Registered Trade Union**

Name of Trade Union

Registration Number

Address :

Dated this                      day of                      19                      .

To

The Registrar of Trade Unions for the Province of Bombay,  
Secretariat, Fort, Bombay.

Notice is hereby given that the Head Office of the abovementioned Trade Union has been removed from                      and is now situated at                      in                      City (or town, or district).

(Signed)

Secretary.

This part to be detached by the Registrar when the notice is registered, and returned to the Trade Union.

Received this                      day of  
19                      notice of removal of the Head  
Office of the                      Register  
No.                      to                      City (or town,  
or district).

(Signed)

Registrar of Trade Unions  
for the Province of Bombay.



## FORM H

## TRADE UNIONS ACT, 1926

## Notice of the Dissolution of Trade Union

Name of Trade Union

Registration Number

Address :

Dated this                      day of                      19                      .

To

The Registrar of Trade Unions for the Province of Bombay,  
Secretariat, Fort, Bombay.

Notice is hereby given that the abovementioned Trade Union  
was dissolved in pursuance of the rules thereof on the                      day  
of                      19                      .

We have been duly authorised by the                      Union to  
forward this notice on its behalf, such authorisation consisting  
of a resolution passed at a general meeting on the\*                      day of  
19                      .

(Signed)

1.	}	Secretary.
2.		
3.	}	Members.
4.		
5.		
6.		
7.		
8.		

\* Here insert the date, or if there was no such resolution, state in what other way the authorisation was given.

FORM I

**Annual Return prescribed under section 28 of the Indian Trade Unions Act, 1926, for the year ending 31st March 19 .**

Name of Union

Registered Head Office

Number of certificate of registration

Return to be made by federations of trade unions.

A. Number of unions affiliated at beginning of year\*

B. Number of unions joining during year\*

C. Number of unions disaffiliated during year\*

D. Number of unions affiliated at end of year.

This return need not be made by federations of trade unions.

Number of members on books at the beginning of year.

Number of members admitted during the year (add)

Together

Number of members who left during the year (deduct)

Total number of members on books at the end of the year

Males.

Females.

Number of members contributing to Political Fund.

A copy of the rules of the Trade Union corrected up to the date of despatch of this return is appended.

Dated the

FORM I—*contd.*

Statement of Liabilities and Assets on the \_\_\_\_\_ day of \_\_\_\_\_ 19 .  
 Liabilities Assets

	Rs. a. p.		Rs. a. p.
Amount of general fund.		Cash—	
Amount of political fund.		In hands of Treasurer.	
		In hands of Secretary.	
		In hands of ..	
Loans from—		In the Bank..	
		In the Bank..	
		Securities as per list below .. ..	
Debts due to—		Unpaid subscriptions due. .. ..	
		Loans to—	
Other liabilities (to be specified).		Immoveable property	
		Goods and furniture	
		Other assets (to be specified) .. ..	
Total liabilities ..	_____	Total assets ..	_____

## List of Securities

Particulars	Face value	Cost price	Market price at date on which accounts have been made up	In hands of

Treasurer.

FORM I—*contd.*

General Fund Account

Income	Rs. a. p.	Expenditure	Rs. a. p.
Balance at beginning of year .. ..		Salaries allowances and expenses of officers ..	
Contributions from members at per member .. ..		Salaries allowances and expenses of establishment ..	
Donations ..		Auditors' Fees ..	
Sale of periodicals, books, rules, etc.		Legal expenses ..	
Interest on investments		Expenses in conducting trade disputes	
Income from miscellaneous sources (to be specified) ..		Compensation paid to members for loss arising out of trade disputes ..	
		Funeral, old age, sickness, unemployment benefits, etc. ..	
		Educational, social and religious benefits ..	
		Cost of publishing periodicals ..	
		Rents, rates and taxes.	
		Stationery, printing and postage ..	
		Expenses incurred under section 15 (j) of the Indian Trade Unions Act, 1926 (to be specified) ..	
		Other expenses (to be specified) ..	
		Balance at end of year.	
Total ..	<hr/>	Total ..	<hr/>

FORM I—*contd.***Political Fund Account**

	Rs. a. p.		Rs. a. p.
Balance at beginning of year .. ..		Payments made on objects specified in section 16(2) of the Indian Trade Unions Act, 1926 (to be specified) ..	
Contributions from members at per member .. ..		Expenses of management (to be fully specified) ..	
		Balance at end of year.	
	_____		_____
Total ..	_____	Total ..	_____

Treasurer.

**Auditors' Declaration**

The undersigned, having had access to all the books and accounts of the Trade Union, and having examined the foregoing statements and verified the same with the account vouchers relating thereto now sign the same as found to be correct, duly vouched and in accordance with the law, subject to the remarks, if any, appended hereto.

Auditor.

Auditor.

The following changes of officers have been made during the year :—

**Officers Relinquishing Office**

Name	office	Date of relinquishing office

FORM I—contd.

Officers appointed

Name 1	Date of birth 2	Private Address 3	Personal occupation 4	Title of position held in union 5	Date on which appointment in column 5 was taken up 6	Other Offices held in addition to membership of executive with date 7

Secretary.

## Indian Trade Unions Act, 1926

### CENTRAL TRADE UNION REGULATIONS, 1938

No. L.-1785, dated Simla, the 16th June 1938

#### INDIAN TRADE UNIONS ACT, XVI OF 1926

In exercise of the powers conferred by section 29 of the Indian Trade Unions Act, 1926 (XVI of 1926), and by the said section of the said Act as in force in Berar, the Central Government is pleased, in relation to Trade Unions whose objects are not confined to one Province, to make the following regulations, the same having been previously published as required by sub-section (1) of section 30 of the said Act, namely :—

#### REGULATIONS

##### Title and Application

1. (1) These regulations may be called the Central Trade Union Regulations, 1938.

(2) The regulations apply to trade unions whose objects are not confined to one province.

##### Definitions

2. In these regulations—

- (a) "the Act" means the Indian Trade Unions Act, 1926.
- (b) "Form" means a form appended to these regulations.
- (c) "Section" means a section of the Act.

#### **Application for registration**

3. Every application for registration of a Trade Union shall be made in form A.

#### **Register of Trade Unions**

4. The register of Trade Unions referred to in section 8 shall be maintained in form B.

#### **Certificates of registration**

5. (1) The certificate of registration issued by the Registrar under section 9 shall be in form C.

(2) When the Registrar registers a change of name under section 25, sub-section (3), he shall certify under his signature at the foot of the certificate on its presentation to him by the Secretary that the new name has been registered.

#### **Cancellation of Registration**

6. The Registrar on receiving an application for the cancellation of registration shall, before granting the application, satisfy himself that the withdrawal or cancellation of registration was approved by a general meeting of the Trade Union, or if it was not so approved, that it has the approval of the majority of the members of the Trade Union. For this purpose, he may call for such further particulars as he may deem necessary and may examine any officer of the Union.

#### **Unions registered with provincial Registrars**

7. If the application is made by a Trade Union which has previously been registered by the Registrar of any province, the union shall submit with its application a copy of the certificate of registration granted to it and copies of the entries relating to it in the Register of Trade Unions for the Province.

#### **Fees**

8. The fee payable for the registration of a Trade Union shall be Rs. 5.

#### **Amendment of rules**

9. (1) On receiving a copy of an alteration made in the rules of a Trade Union under section 28 (3), the Registrar, unless he has reason to believe that the alteration has not been made in the manner provided by the rules of the Trade Union, shall re-register the alteration in a register to be maintained for this purpose and shall notify the fact that he has done so to the Secretary of the Trade Union.

(2) The fee payable for registration of alteration of rules shall be Re. 1 for each set of alterations made simultaneously.

#### **Appeals**

10. Any appeal made under section 11 (1) of the Act must be filed within sixty days of the date on which the Registrar passed the order against which the appeal is made.

#### **Funds of a dissolved Trade Union**

11. Where it is necessary for the Registrar, under section 27 (2) to distribute the funds of a Trade Union which has been dissolved, he shall divide the funds in proportion to the amounts contributed by the members by way of subscription during their membership.

#### **Return**

12. The annual return to be furnished under section 28 shall be submitted to the Registrar by the 31st day of July in each year and shall be in form D.

#### **Auditors**

13. (1) Save as provided in sub-clauses (2), (3), (4) and (5) of this regulation, the annual audit of the accounts of any registered Trade Union shall be conducted by an auditor authorized to audit the accounts of companies under section 144 (1) of the Indian Companies Act, 1913, or under section 3 (2) of the Indian Companies (Amendment) Act, 1930.

(2) Where the membership of a Trade Union did not at any time during the financial year exceed 2,500 the annual audit of the accounts may be conducted—

- (a) by any examiner of local fund accounts, or
- (b) by any local fund auditor appointed by the Provincial Government, or
- (c) by any person, who, having held an appointment under Government in any audit or accounts department, is in receipt of a pension of not less than Rs. 200 per mensem.

(3) Where the membership of a Trade Union did not at any time during the financial year exceed 750, the annual audit of the accounts may be conducted—

- (a) by any two persons holding office as magistrates or judges or as members of any municipal council, district board, or legislative body, or
- (b) by any person, who, having held an appointment under Government in any audit or accounts department, is in receipt of a pension from Government of not less than Rs. 75 a month, or



- (c) by any auditor appointed to conduct the audit of any co-operative societies by Government or by the Registrar of Co-operative Societies or by any provincial co-operative organization recognised by Government for this purpose.

(4) Where the membership of a Trade Union did not at any time during the financial year exceed 250, the annual audit of the accounts may be conducted by any two members of the Union.

(5) Where the Trade Union is a federation of unions, and the number of unions affiliated to it at any time during the financial year did not exceed 50, 15 or 5, respectively, the audit of the accounts of the federation may be conducted as if it had not at any time during the year had a membership of more than 2,500, 750 or 250, respectively.

#### **Exception**

14. Notwithstanding anything contained in regulation 13, no person, who, at any time during the year, was entrusted with any part of the funds or securities belonging to the Trade Union shall be eligible to audit the accounts of that Union.

#### **Audit**

15. The auditor or auditors appointed in accordance with the regulations shall be given access to all the books of the Trade Union and shall verify the annual return with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration appended to form D, indicating separately on that form under his signature or their signatures a statement showing in what respect he or they find the return to be incorrect, unvouched or not in accordance with the Act. The particulars given in this statement shall indicate :—

- (a) every payment which appears to be unauthorized by the rules of the Trade Union or contrary to the provisions of the Act,
- (b) the amount of any deficiency or loss which appears to have been incurred by the negligence or misconduct of any person,
- (c) the amount of any sum which ought to have been but is not brought to account by any person.

#### **Audit of political funds**

16. The audit of the political fund of a registered Trade Union shall be carried out along with the audit of the general account of the Trade Union and by the same auditor or auditors.

#### **Inspection**

17. (1) The register of Trade Unions maintained in accordance with regulation 4 shall be open to inspection by any person on payment of a fee of annas eight.

(2) Any documents in the possession of the Registrar received from a registered Trade Union may be inspected by any member of that Union on payment of a fee of annas eight for each document inspected.

(3) Documents shall be open to inspection every day on which the office of the Registrar is open and within such hours as may be fixed for this purpose by the Registrar.

(4) The Registrar may supply a certified copy of any such document to a registered Trade Union or a member thereof on payment of annas twelve for the first two hundred words (or less) and annas six for every additional hundred words or fractional part thereof.

FORM A.

Application for Registration of Trade Union.

Dated the                      day of                      19                      .

1. We hereby apply for the registration of a trade union under the name of

2. The address of the head office of the union is

3. The union came into existence on the                      day of                      19                      .

4. The union is a union of employers/workers engaged in the industry (or profession).

5. The particulars required by section 5 (1) (c) of the Indian Trade Union Act, 1926, are given in Schedule I.

6. The particulars given in Schedule II show the provision made in the rules for the matters detailed in section 6 of the Indian Trade Unions Act, 1926.

7. (To be struck out in the case of unions which have not been in existence for one year before the date of application). The particulars required by section 5 (2) of the Indian Trade Unions Act, 1926, are given in schedule III.

8. We have been duly authorized to make this application

—	Signature	Occupation	Address
Signed 1			
2			
3			
4			
5			
6			

To the Registrar of Central Trade Unions, Delhi.

\* State here whether the authority was given by a resolution of a general meeting of the Union, if not what other way it was given.

## LABOUR AND FACTORY LEGISLATION

## SCHEDULE I.

*List of Officers.*

Title	Name	Age	Address	Occupation

*Note*—Enter in this schedule the names of all members of the executive of the Union, showing in column 1 the names of any posts held by them (e.g. President, Secretary, Treasurer etc.) in addition to their offices as members of the executive.

## SCHEDULE II.

*Reference to Rules.*

The numbers of the rules making provision for the several matters detailed in column 1 are given in column 2 below :—

Matter	Numbers of rules
Name of union	
The whole of the objects for which the union has been established	
The whole of the purposes for which the general funds of the union shall be applicable.	
The maintenance of a list of members	
The facilities provided for the inspection of the list of members by officers and members.	
The admission of ordinary members	
The admission of honorary or temporary members	
The conditions under which members are entitled to benefits assured by the rules	
The conditions under which fines or forfeitures can be imposed or varied	
The manner in which the rule shall be amended, varied or rescinded	
The manner in which the members of the executive and the other officers of the union shall be appointed and removed	
The safe custody of the funds	
The annual audit of the accounts	
The facilities for the inspection of the account books by officers and members	
The manner in which the union may be dissolved	

# LABOUR AND FACTORY LEGISLATION

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## SCHEDULE III.

(This need not be filled in if the Union came into existence less than one year before the date of application for registration.)

### Statement of Liabilities and Assets on the

day of 19 .

Liabilities		Assets	
	Rs. a. p.		Rs. a. p.
Amount of general fund	...	Cash—	...
Amount of political fund	...	In hands of Treasurer	...
Loans from—	...	In hands of Secretary	...
Debts due to—	...	In the Bank	...
Other liabilities (to be specified)	...	In the Bank	...
		Securities as per list below	...
		Unpaid subscriptions due	...
		Loans to—	...
		Immovable property	...
		Goods and furniture	...
		Other assets (to be specified)	...
Total Liabilities		Total Assets	

### List of Securities

Particulars	Nominal value	Market value	In hands of

Signed 1.

2.

3.

4.

5.

6.

7.

## FORM B.

## Register of Trade Unions

Serial No	Officers						
Name of Union Address of Head Office Date of registration	Year of entering on office	Name	Age on entry	Address	Occupation	Year of relin- quishing office	Other offices held in addition to membership of executive, with dates
Number of application form							
List of members applying for registration							
1							
2							
3							
4							
5							
6							
7							

## FORM C.

## Certificate of Registration of Trade Union

No.

It is hereby certified that the \_\_\_\_\_ has been registered  
under the Indian Trade Unions Act, 1926, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

Seal

Registrar of Central Trade Unions

## FORM D.

(Annual return prescribed under section 28 of the Indian  
Trade Unions Act, 1926, for the year ending 31st March, 19 \_\_\_\_.)

Name of Union.

Registered Head Office.

Number of certificate of registration.

Return to be made by federations of trade unions.	Number of unions affiliated at beginning of year
This return need not be made by federations of trade unions	Number of unions joining during year
	Number of unions disaffiliated during year
	Number of unions affiliated at end of year
	Number of members on books at the beginning of year
	Number of members admitted during the year (add).
	Together
	Number of members who left during the year (deduct)
	Total number of members on books at the end of the year
	Males
	Females.
	Numbers of members contributing to political fund

A copy of the rules of the Trade Union, corrected up to the date of despatch of this return, is appended.

Dated the

Secretary.

*Statement of Liabilities and Assets on the*      *day of*      *19*

Liabilities	Rs. a. p.	Assets	Rs. a. p.
Amount of General Fund ...		Cash—	
Amount of political fund ...		In hands of Treasurer ...	
Loans from—		In hands of Secretary ...	
		In hands of	
		In the Bank ...	
		In the Bank ...	
Debts due to—		Securities as per list below ...	
		Unpaid subscriptions due ...	
		Loans to—	
Other liabilities (to be specified)—		Immoveable property ...	
		Goods and furniture ...	
		Other assets (to be specified)—	
Total Liabilities ...		Total Asse ...	

## List of Securities

Particulars	Nominal value	Market value at date on which accounts have been made up	In hands of

Treasurer.

## General Fund Account

Income	Rs. a. p.	Expenditure	Rs. a. p.
Balance at beginning of year		Salaries, allowances and expenses of officers	
Contributions from members at per member		Salaries, allowances and expenses of establishment	
Donations ...	...	Auditors' fees	
Sale of periodicals, books, rules etc,		Legal expenses ...	...
Interest on investments ...	...	Expenses in conducting trade disputes	
Income from miscellaneous sources (to be specified),		Compensation paid to members for loss arising out of trade disputes	
		Funeral, old age, sickness, unemployment benefits, etc.	
		Educational, social and religious benefits.	
		Cost of publishing periodicals	
		Rents, rates and taxes.	
		Stationary, printing and postage	
		Expenses incurred under section 15 (j) of the Indian Trade Unions Act, 1926 (to be specified)—	
		Other expenses (to be specified)—	
		Balance at the end of year ...	...
Total ...	...	Total ...	...

**Political Fund Account**

	Rs. a. p.		Rs. a. p.
Balance at beginning of year		payments made on objects specified in Section 16 (2) of the Indian Trade Unions Act, 1926 (to be specified)	
Contributions from members at per member		Expenses of management (to be fully specified)	
		Balance at end of year	...
Total	...	Total	...

Treasurer

**Auditors' Declaration**

The undersigned, having had access to all the books and accounts of the Trade Union and having examined the foregoing statements and verified the same as found to be correct, duly vouched and in accordance with the law, subject to the remarks, if any, appended hereto.

Auditor.

Auditor.

The following changes of officers have been made during the year :—

**Officers relinquishing office**

Name	Office	Date of relinquishing office



**Officers appointed**

Name	Age	office	Address	Occupation	Date of appointment

Secretary

**NOTIFICATIONS.**

No. L-1766, dated, New Delhi, 26-3-31.

In pursuance of Clause (k) of section 15 of the Indian Trade Unions Act, 1926 (VI of 1926), the Governor General in Council is pleased to notify the following as objects on which the general funds of a registered Trade Union may be spent namely :—

- (a) the financing of Industrial and Technical research connected with the Industry concerned.
- (b) the opening out of a new markets for any material dealt with by the Industry concerned.

(Vide G. of B. Gaz. Part I P. 849 of 2/4/31.)

No. 3841/34.—In exercise of the functions of the Central Government under Section 3 of the Indian Trade Unions Act, 1926 (XVI of 1926) in relation to Trade Unions whose objects are not confined to, and whose Head Office is situated in the Province of Bombay (hereinafter referred to as the said Trade Unions), entrusted to the Department of Labour, notification No. L-3006, dated the 16th January 1941, the Government of Bombay is pleased to appoint the Registrar of Trade Unions, appointed under the said Section 3 in relation to Trade Unions whose objects are confined to the Province of Bombay, to be the Registrar in relation to the said Trade Unions.

(Vide G. of B. Gaz. Part IVA P. 101 of 22-5-41).

**SCHEDULE**

No. 4757/34.-I—In exercise of the powers conferred by Clause (k) of Section 15 of the Indian Trade Unions Act, 1926 (XVI of 1926), the Government of Bombay is pleased to notify contribution to any of the funds specified in the Schedule hereto annexed, as an object on which the general fund of any registered Trade Union, whose objects are confined to the Province of Bombay ; may be spent.

**SCHEDULE**

1. The Bombay War Gifts Fund.
2. The Viceroy's War Purposes Fund.

No. 4757/34.-II—In exercise of the functions of the Central Government under clause (k) of Section 15 of the Indian Trade Unions Act, 1926 (XVI of 1926), in relation to Trade Unions whose objects are not confined to, and whose Head Office is situated in the Province of Bombay, entrusted to the Government of Bombay by the Government of India, Department of Labour Notification No. L-3006 dated the 16th January 1941, the Government of Bombay is pleased to notify contribution to any of the funds specified in the Schedule hereto annexed as an object on which the general funds of any such Trade Unions which is registered Trade Union may be spent.

**SCHEDULE**

1. The Bombay War Gifts Fund.
2. The Viceroy's War Purposes Fund.

(Vide G. of B. Gaz. Part IVA P. 95-96 of 5-3-42.)

# Payment of Wages Act, 1936<sup>1</sup>

INDIA ACT NO. IV OF 1936<sup>2</sup>.

*An Act to regulate the payment of Wages to certain classes of persons employed in industry.*

WHEREAS it is expedient to regulate the payment of wages to certain classes of persons employed in industry; It is hereby enacted as follows :—

**Short title, extent, commencement and application.**

1. (1) This Act may be called the Payment of Wages Act, 1936.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on such date<sup>2</sup> as the Governor General in Council may, by notification in the *Gazette of India*, appoint.

(4) It applies in the first instance to the payment of wages to persons employed in any factory and to persons employed (otherwise than in a factory) upon any railway by a railway administration or, either directly or through a sub-contractor, by a person fulfilling a contract with a railway administration.

(5) The <sup>3</sup>[Provincial Government] may, after giving three months' notice of its intention of so doing, by notification\* in the <sup>4</sup>[Official Gazette], extend the provisions of the Act or any of them to the payment of wages to any class of persons employed in any industrial establishment or in any class or group of industrial establishments.

(6) Nothing in this Act shall apply to wages payable in respect of a wage-period which, over such wage-period, average two hundred rupees a month or more.

<sup>1</sup> For Statement of Objects and Reasons see *Gazette of India*, 1935, Pt. V., p. 20; for Report of Select Committee, see *ibid*, p. 77.

<sup>2</sup> This Act was brought into force with effect from the 28th March 1937, see *Gazette of India*, 1937, Pt. I, p. 626.

<sup>3</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>4</sup> These words were substituted for the words "Local Official Gazette", *ibid*.

\* "For notifications issued under this Section vide G.N., P. & S. D., No. 9639, dated the 11th February 1938".

**Definitions.**

2. In this Act, unless there is anything repugnant in the subject or context,—

(i) “factory” a factory as defined in clause (j) of section 2 of the Factories Act, 1934 ;

(ii) “industrial establishment” means any—

(a) tramway or motor omnibus service ;

(b) dock, wharf or jetty ;

(c) inland steam-vessel ;

(d) mine, quarry or oil-field ;

(e) plantation ;

(f) workshop or other establishment in which articles are produced, adapted or manufactured, with a view to their use, transport or sale ;

(iii) “plantation” means any estate which is maintained for the purpose of growing cinchona, rubber, coffee or tea, and on which twenty-five or more persons are employed for that purpose ;

(iv) “prescribed” means prescribed by rules made under this Act ;

(v) “railway administration” has the meaning assigned to it in clause (6) of section 3 of the Indian Railways Act, 1890 ; and

(vi) “Wages” means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable, whether conditionally upon the regular attendance, good work or conduct or other behaviour of the person employed, or otherwise, to a person employed in respect of his employment or of work done in such employment, and includes any bonus or other additional remuneration of the nature aforesaid which would be so payable and any sum payable to such person by reason of the termination of his employment, but does not include—

- (a) the value of any house-accommodation, supply of light, water, medical attendance or other amenity, or of any service excluded by general or special order of the 1\* \* \* \* \* 2[Provincial Government];
- (b) any contribution paid by the employer to any pension fund or provident fund;
- (c) any travelling allowance or the value of any travelling concession;
- (d) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or
- (e) any gratuity payable on discharge.

### Responsibility for payment of wages.

3. Every employer shall be responsible for the payment to persons employed by him of all wages required to be paid under this Act,

Provided that, in the case of persons employed (otherwise than by a contractor)—

- (a) in factories, if a person has been named as the manager of the factory under clause (e) of sub-section (1) of Section 9 of the Factories Act, 1934;
- (b) in industrial establishments, if there is a person responsible to the employer for the supervision and control of the industrial establishment,
- (c) upon railways (otherwise than in factories), if the employer is the railway administration and the railway administration has nominated a person in this behalf for the local area concerned,

the person so named, the person so responsible to the employer, or the person so nominated, as the case may be, shall be responsible for such payment.

### Fixation of wage-periods.

4. (1) Every person responsible for the payment of wages under section 3 shall fix periods (in this Act referred

<sup>1</sup> The words "Governor General in Council or" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "Local Government", *ibid.* Also under Notifications refer to G.N., P. & S.D., No. 6848-34 (1) of 12/10/43.

to as wage-periods) in respect of which such wages shall be payable.

(2) No wage-period shall exceed one month.

**Time of payment of wages.**

5. (1) The wages of every person employed upon or in—

(a) any railway, factory or industrial establishment upon or in which less than one thousand persons are employed, shall be paid before the expiry of the seventh day,

(b) any other railway, factory or industrial establishment, shall be paid before the expiry of the tenth day,

after the last day of the wage-period in respect of which the wages are payable.

(2) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by him shall be paid before the expiry of the second working day from the day on which his employment is terminated.

(3) The <sup>1</sup>[Provincial Government] may, by general or special order, exempt, to such extent and subject to such conditions as may be specified in the order, the person responsible for the payment of wages to persons employed upon any railway (otherwise than in a factory) from the operation of this section in respect of the wages of any such persons or class of such persons.

(4) All payment of wages shall be made on a working-day.

**Wages to be paid in current coin or currency notes.**

6. All wages shall be paid in current coin or currency notes or in both.

**Deductions which may be made from wages.**

7. (1) Notwithstanding the provisions of sub-section (2) of section 47 of the Indian Railways Act, 1890, the wages of an employed person shall be paid to him without deduc-

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<sup>1</sup> These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

tions of any kind except those authorised by or under this Act.

**Explanaton.**—Every payment made by the employed person to the employer or his agent shall, for the purposes of this Act, be deemed to be a deduction from wages.

(2) Deduction from the wages of an employed person shall be made only in accordance with the provisions of this Act, and may be of the following kinds only, namely:—

- (a) fines ;
- (b) deductions for absence from duty ;
- (c) deductions for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default ;
- (d) deductions for house-accommodation supplied by the employer ;
- (e) deductions for such amenities and services supplied by the employer as the 1\* \* \* \* 2[Provincial Government] may, by general or special order, authorise ;<sup>3</sup>

**Explanation.**

The word “services” in this sub-clause does not include the supply of tools and raw materials required for the purposes of employment.

- (f) deductions for recovery of advances or for adjustment of over-payments of wages ;
- (g) deductions of income-tax payable by the employed person ;
- (h) deductions required to be made by order of a Court or other authority competent to make such order ;
- (i) deductions for subscriptions to, and for repayment of advances from, any provident fund to which the Provident Funds Act, 1925, applies or any recognised provident fund as defined in section 58A of the

<sup>1</sup> The words “Governor General in Council or” were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words “Local Government” *ibid.* Also refer to G.N., F. & S.D., No. 6378-34 12/10/43 under Notifications.

<sup>3</sup> Also refer to G. N. R. & S. D. No. 6398/34 of 12-10-43 under Notifications.

- Indian Income-Tax Act, 1922, or any provident fund approved in this behalf by the <sup>1</sup>[Provincial Government] during the continuance of such approval;
- (j) deductions for payments to co-operative societies approved by the <sup>1</sup>[Provincial Government] or to a scheme of insurance maintained by the Indian Post Office ; and
- \*(k) deductions, made with the written authorisation of the employed person, in furtherance of any War Savings scheme, approved by the Provincial Government, for the purchase of securities of the Government of India or the Government of the United Kingdom.\*

**Fines.**

8. (1) No fine shall be imposed on any employed person save in respect of such acts and omissions on his part as the employer, with the previous approval of the <sup>1</sup>[Provincial Government] or of the prescribed authority, may have specified by notice under sub-section (2).

(2) A notice specifying such acts and omissions shall be exhibited in the prescribed manner on the premises in which the employment is carried on or in the case of persons employed upon a railway (otherwise than in a factory), at the prescribed place or places.

(3) No fine shall be imposed on any employed person until he has been given an opportunity of showing cause against the fine, or otherwise than in accordance with such procedure as may be prescribed for the imposition of fines.

(4) The total amount of fine which may be imposed in any one wage-period on any employed person shall not exceed an amount equal to half-an-anna in the rupee of the wages payable to him in respect of that wage-period.

(5) No fine shall be imposed on any employed person who is under the age of fifteen years. .

(6) No fine imposed on any employed person shall be recovered from him by instalments or after the expiry of sixty days from the day on which it was imposed.

<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

\* Inserted by Ordinance No. III of 1940, promulgated by the Governor General.



(7) Every fine shall be deemed to have been imposed on the day of the act or omission in respect of which it was imposed.

(8) All fines and all realisations thereof shall be recorded in a register to be kept by the person responsible for the payment of wages under section 3 in such form as may be prescribed; and all such realisations shall be applied only to such purposes beneficial to the persons employed in the factory or establishment as are approved by the prescribed authority.

### **Explanation**

When the persons employed upon or in any railway, factory or industrial establishment are part only of a staff employed under the same management, all such realisations may be credited to a common fund maintained for the staff as a whole, provided that the fund shall be applied only to such purposes as are approved by the prescribed authority.

### **Deductions for absence from duty**

9. (1) Deductions may be made under clause (b) of sub-section (2) of section 7 only on account of the absence of an employed person from the place or places where, by the terms of his employment, he is required to work, such absence being for the whole or any part of the period during which he is so required to work.

(2) The amount of such deduction shall in no case bear to the wages payable to the employed person in respect of the wage-period for which the deduction is made a larger proportion than the period for which he was absent bears to the total period, within such wage-period, during which by the terms of his employment, he was required to work:

Provided that, subject to any rules made in this behalf by the <sup>1</sup>[Provincial Government], if ten or more employed persons acting in concert absent themselves without due notice (that is to say without giving the notice which is required under the terms of their contracts of employment) and without reasonable cause, such deduction from any

<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

such person may include such amount not exceeding his wages for eight days as may by any such terms be due to the employer in lieu of due notice.

**Explanation**

<sup>1</sup>[For the purposes of this section, an employed person shall be deemed to be absent from the place where he is required to work, if, although present in such place, he refuses, in pursuance of a stay-in-strike or for any other cause which is not reasonable in the circumstances, to carry out his work.]

**Deductions for damage or loss.**

10. (1) A deduction under clause (c) of sub-section (2) of section 7 shall not exceed the amount of the damage or loss caused to the employer by the neglect or default of the employed person and shall not be made until the employed person has been given an opportunity of showing cause against the deduction, or otherwise than in accordance with such procedure as may be prescribed for the making of such deductions.

(2) All such deductions and all realisations thereof shall be recorded in a register to be kept by the person responsible for the payment of wages under section 3 in such form as may be prescribed.

**Deductions for services Rendered.**

11. A deduction under clause (d) or clause (e) of sub-section (2) of section 7 shall not be made from the wages of an employed person unless the house-accommodation, amenity or service has been accepted by him, as a term of employment or otherwise, and such deduction shall not exceed an amount equivalent to the value of the house-accommodation, amenity or service supplied and, in the case of a deduction under the said clause (e), shall be subject to such conditions as <sup>2</sup>the <sup>3</sup>the [Provincial Government] may impose.

<sup>1</sup> This Explanation was added by s. 2 of the Payment of Wages (Amendment) Act 1937 (XXXII of 1937).

<sup>2</sup> The words "the Governor General in Council or" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>3</sup> These words were substituted for the words "Local Government", *ibid.*

**Deductions for recovery of advances.**

12. Deduction under clause (f) of sub-section (2) of section 7 shall be subject to the following conditions, namely :—

- (a) recovery of an advance of money given before employment began shall be made from the first payment of wages in respect of a complete wage-period, but no recovery shall be made of such advances given for travelling-expenses ;
- (b) recovery of advances of wages not already earned shall be subject to any rules made by the <sup>1</sup>[Provincial Government] regulating the extent to which such advances may be given and the instalments by which they may be recovered.

**Deductions for payments to co-operative societies and insurance schemes.**

13. Deductions under clause (j) and clause (k)\* of sub-section (2) of section 7 shall be subject to such conditions as the <sup>1</sup>[Provincial Government] may impose.

**Inspectors.**

14. (1) An Inspector of Factories appointed under sub-section (1) of section 10 of the Factories Act, 1934, shall be an Inspector for the purposes of this Act in respect of all factories within the local limits assigned to him.

(2) The <sup>2</sup>[Provincial Government] may appoint Inspectors for the purposes of this Act in respect of all persons employed upon a railway (otherwise than in a factory) to whom this Act applies.

(3) The <sup>1</sup>[Provincial Government] may, by notification in the <sup>3</sup>[Official Gazette], appoint such other persons as it thinks fit to be Inspectors for the purposes of this Act, and may define the local limits within which and the class of factories and industrial establishments in respect of which they shall exercise their functions.

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<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "Governor General in Council", *ibid.*

<sup>3</sup> These words were substituted for the words "Local Official Gazette", *ibid.*

\* Inserted by Ordinances No. III of 1940, promulgated by the Governor General.

fies the authority that he had sufficient cause for not making the application within such period.

(3) When any application under sub-section (2) is entertained, the authority shall hear the applicant and the employer or other person responsible for the payment of wages under section 3, or give them an opportunity of being heard, and, after such further inquiry (if any) as may be necessary, may, without prejudice to any other penalty to which such employer or other person is liable under the Act, direct the refund to the employed person, of the amount deducted, or the payment of the delayed wages, together with the payment of such compensation as the authority may think fit, not exceeding ten times the amount deducted in the former case and not exceeding ten rupees in the latter :

Provided that no direction for the payment of compensation shall be made in the case of delayed wages if the authority is satisfied that the delay was due to—

- (a) a bona fide error or bona fide dispute as to the amount payable to the employed person, or
- (b) the occurrence of an emergency, or the existence of exceptional circumstances, such that the person responsible for the payment of the wages was unable, though exercising reasonable diligence, to make prompt payment, or
- (c) the failure of the employed person to apply for or accept payment.

(4) If the authority hearing any application under this section is satisfied that it was either malicious or vexatious, the authority may direct that a penalty not exceeding fifty rupees be paid to the employer or other person responsible for the payment of wages by the person presenting the application.

(5) Any amount directed to be paid under this section may be recovered—

- (a) if the authority is a Magistrate, by the authority as if it were a first class Magistrate, and

- (b) if the authority is not a Magistrate, by any Magistrate to whom the authority makes application in this behalf, as if it were a fine imposed by such Magistrate.

**Single application in respect of claims from unpaid group.**

16. (1) Employed persons are said to belong to the same unpaid group if they are borne on the same establishment and if their wages for the same wage-period or periods have remained unpaid after the day fixed by section 5.

(2) A single application may be presented under section 15 on behalf or in respect of any number of employed persons belonging to the same unpaid group, and in such case the maximum compensation that may be awarded under sub-section (3) of section 15 shall be ten rupees per head.

(3) The authority may deal with any number of separate pending applications, presented under section 15 in respect of persons belonging to the same unpaid group, as a single application presented under sub-section (2) of this section, and the provisions of that sub-section shall apply accordingly.

**Appeal.**

17. (1) An appeal against a direction made under <sup>1</sup>[sub-section (3) or sub-section (4)] of section 15 may be preferred, within thirty days of the date on which the direction was made, in a Presidency-town <sup>2</sup> " " " " before the Court of Small Causes and elsewhere before the District Court—

- (a) by the employer or other person responsible for the payment of wages under section 3, if the total sum directed to be paid by way of wages and compensation exceeds three hundred rupees, or
- (b) by an employed person, if the total amount of wages claimed to have been withheld from him or

<sup>1</sup> These words were, brackets and figures were substitute for the word, brackets and figure "sub-section (3)" by s. 2 and First Schedule of the Repealing and Amending Act, 1937, (XX of 1937).

<sup>2</sup> The words "or in Rangoon" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

from the unpaid group to which he belonged exceeds fifty rupees, or

(c) by any person directed to pay a penalty under <sup>1</sup>[sub-section (4)] of section 15.

(2) Save as provided in sub-section (1), any direction made under sub-section (3) or <sup>1</sup>[sub-section (4)] of section 15 shall be final.

**Powers of authorities appointed under section 15.**

18. Every authority appointed under sub-section (1) of section 15 shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such authority shall be deemed to be a Civil Court for all the purposes of section 195 and of Chapter XXXV of the Code of Criminal Procedure, 1898.

**Power to recover from employer in certain cases.**

19. When the authority referred to in Section 15 or the Court referred to in Section 17 is unable to recover from any person (other than an employer) responsible under Section 3 for the payment of wages any amount directed by such authority under Section 15 or 17 to be paid by such person, the authority shall recover the amount from the employer of the employed person concerned.

**Penalty for offences under the Act.**

20. (1) Whoever being responsible for the payment of wages to an employed person contravenes any of the provisions of any of the following sections, namely, Section 5 and Section 7 to 13, both inclusive, shall be punishable with fine which may extend to five hundred rupees.

(2) Whoever contravenes the provisions of Section 4, Section 6 or Section 25 shall be punishable with fine which may extend to two hundred rupees.

**Procedure in trial of offences.**

21. (1) No Court shall take cognizance of a complaint against any person for an offence under sub-section

<sup>1</sup> This word, brackets and figure were substituted for the word, brackets and figure "sub-section (5)" by s. 2 and First Schedule of the Repealing and Amending Act, 1937 (XX of 1937).

(1) of Section 20 unless an application in respect of the facts constituting the offence has been presented under Section 15 and has been granted wholly or in part and the authority empowered under the latter Section or the appellate Court granting such application has sanctioned the making of the complaint.

(2) Before sanctioning the making of a complaint against any person for an offence under sub-section (1) of Section 20 the authority empowered under Section 15 or the appellate Court, as the case may be, shall give such person an opportunity of showing cause against the granting of such sanction, and the sanction shall not be granted if such person satisfies the authority or Court that his default was due to—

- (a) a *bona fide* error or *bona fide* dispute as to the amount payable to the employed person, or
- (b) the occurrence of an emergency, or the existence of exceptional circumstances, such that the person responsible for the payment of the wages was unable, though exercising reasonable diligence, to make prompt payment, or
- (c) the failure of the employed persons to apply for or accept payment.

(3) No Court shall take cognizance of a contravention of Section 4 or of Section 6 or of a contravention of any rule made under Section 26 except on a complaint made by or with the sanction of an Inspector under this Act.

(4) In imposing any fine for an offence under sub-section (1) of Section 20 the Court shall take into consideration the amount of any compensation already awarded against the accused in any proceedings taken under Section 15.

#### **Bar of suits.**

22. No Court shall entertain any suit for the recovery of wages or of any deduction from wages in so far as the sum so claimed—

- (a) forms the subject of an application under Section 15 which has been presented by the plaintiff and

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which is pending before the authority appointed under that Section or of an appeal under Section 17; or

- (b) has formed the subject of a direction under Section 15 in favour of the plaintiff; or
- (c) has been adjudged, in any proceeding under Section 15; not to be owed to the plaintiff; or
- (d) could have been recovered by an application under Section 15.

**Contracting out.**

23. Any contract or agreement, whether made before or after the commencement of this Act, whereby an employed person relinquishes any right conferred by this Act shall be null and void in so far as it purports to deprive him of such right.

**Application of Act to Federal  
Railways, mines and oilfields.**

<sup>1</sup>/24. The powers by this Act conferred upon the Provincial Government shall, in relation to Federal railways (within the meaning of the Government of India Act, 1935) mines and oilfields, be powers of the Central Government.]

**Display by notice of abstracts of the Act.**

25. The person responsible for the payment of wages to persons employed in a factory shall cause to be displayed in such factory a notice containing such abstracts of this Act and of the rules made thereunder in English and in the language of the majority of the persons employed in the factory, as may be prescribed.

**Rule-making power.**

26. (1) The <sup>2</sup>[Provincial Government] may make rules to regulate the procedure to be followed by the authorities and Courts referred to in Sections 15 and 17.

<sup>1</sup> This section, was substituted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "Governor General in Council", *ibid.*



(2) The <sup>3</sup>[Provincial Government] may, <sup>4</sup>\* \* \* \* \*  
\* \* \* \* \* by notification in the <sup>5</sup>[Official Gazette] make  
rules for the purpose of carrying into effect the provisions  
of this Act.

(3) In particular and without prejudice to the generality of the foregoing power, rules made under sub-section (2) may—

- (a) require the maintenance of such records, registers, returns and notices as are necessary for the enforcement of the Act and prescribe the form thereof;
- (b) require the display in a conspicuous place on premises where employment is carried on of notices specifying rates of wages payable to persons employed on such premises;
- (c) provide for the regular inspection of the weights, measures and weighing machines used by employers in checking or ascertaining the wages of persons employed by them;
- (d) prescribe the manner of giving notice of the days on which wages will be paid;
- (e) prescribe the authority competent to approve under sub-section (1) of Section 8 acts and omissions in respect of which fines may be imposed;
- (f) prescribe the procedure for the imposition of fines under Section 8 and for the making of the deductions referred to in Section 10;
- (g) prescribe the conditions subject to which deductions may be made under the proviso to sub-section (2) of Section 9;
- (h) prescribe the authority competent to approve the purposes on which the proceeds of fines shall be expended;
- (i) prescribe the extent to which advances may be made and the instalments by which they may be required with reference to clause (b) of Section 12;

<sup>3</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>4</sup> The words "subject to the control of the Governor General in Council" were omitted, *ibid.*

<sup>5</sup> These words were substituted for the words "Local Official Gazette", *ibid.*

- (j) regulate the scales of costs which may be allowed in proceedings under this Act ;
- (k) prescribe the amount of court-fees payable in respect of any proceedings under this Act ; and
- (l) prescribe the abstracts to be contained in the notices required by Section 15.

(4) In making any rule under this Section the <sup>1</sup>[Provincial Government] may provide that a contravention of the rule shall be punishable with fine which may extend to two hundred rupees.

(5) All rules made under this Section shall be subject to the condition of previous publication, and the date to be specified under clause (3) of Section 23 of the General Clauses Act, 1897, shall not be less than three months from the date on which the draft of the proposed rules was published.

## Payment of Wages Act, 1936

### PAYMENT OF WAGES (Procedure) RULES, 1937.

No. L.-3067, dated New Delhi, the 24th February 1937.

In exercise of the powers conferred by sub-section (1) of Section 26 of the Payment of Wages Act, 1936 (IV of 1936), read with Section 22 of the General Clauses Act, 1897 (X of 1897), the Governor General in Council is pleased to make the following rules, the same having been previously published as required by sub-section (5) of Section 26 of the first named Act, namely :—

### RULES.

#### Short Title.

1. These rules may be called the Payment of Wages (Procedure) Rules, 1937.

#### Definitions

2. In these rules, unless there is anything repugnant in the subject or context,—

(a) "the Act" means the Payment of Wages Act (IV of 1936) :

(b) "appeal" an appeal under Section 17 ;

---

<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

- (c) "the Authority" means the authority appointed under sub-section (1) of section 15 ;
- (d) "the Court" means the court mentioned in sub-section (1) of Section 17 ;
- (e) "employer" includes the persons responsible for the payment of wages under Section 3 ;
- (f) "section" means a section of the Act ;
- (g) "Form" means a form appended to these rules ;
- (h) words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

**Form of Application.**

3. Applications under sub-section (2) of Section 15 by or on behalf of an employed person or group of employed persons shall be made in duplicate in Form A, Form B or Form C as the case may be, one copy of which shall bear such court-fee as may be prescribed.

**Authorisation.**

4. The authorisation to act on behalf of an employed person or persons, under Section 15, shall be given by a certificate in Form D, shall be presented to the Authority hearing the application and shall form part of the record.

**Permission to appear.**

5. Any person desiring the permission of the Authority to act on behalf of any employed person or persons shall present to the Authority a brief written statement explaining his interest in the matter, and the Authority shall record an order on the statement, which in the case of refusal shall include reasons for the order, and shall incorporate it in the record.

**Presentation of documents.**

6. (1) Application or other documents relevant to an application may be presented in person to the Authority at any time during hours to be fixed by the Authority, or may be sent to him by registered post.

(2) The Authority shall at once endorse, or cause to be endorsed, on each document the date of the presentation or receipt, as the case may be.

**Refusal to entertain application.**

7. (1) The Authority may refuse to entertain an application presented under rule 6, if after giving the applicant an opportunity of being heard, the Authority is satisfied, for reasons to be recorded in writing that :—

- (a) the applicant is not entitled to present an application,
- or

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- (b) the application is barred by reason of the provisions in the provisos to sub-section (2) of Section 15, or
- (c) the applicant shows no sufficient cause for making a direction under Section 15.

(2) The Authority may refuse to entertain an application which is insufficiently stamped or is otherwise incomplete and, if he so refuses, shall return it at once with an indication of the defects. If the application is presented again after the defects have been made good, the date of representation shall be deemed to be the date of presentation for the purposes of the provisos to sub-section (2) of Section 15.

## Appearance of parties.

8. (1) If the application is entertained, the Authority shall call upon the employer by a notice in Form E to appear before him on a specified date together with all relevant documents and witnesses, if any, and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the Authority may proceed to hear and determine the application *ex parte*.

(3) If the applicant fails to appear on the specified date, the Authority may dismiss the application :  
 Provided that an order passed under sub-rule (2) or sub-rule (3) may be set aside and the applicant reheard on good cause being shown within one month of the date of the said order, notice being served on the opposite party of the date fixed for rehearing.

## Record of Proceedings.

9. (1) The Authority shall in all cases enter the particulars indicated in Form F and at the time of passing orders shall sign and date the Form.

(2) In a case where no appeal lies, no further record shall be necessary.

(3) In a case where an appeal lies, the authority shall record the substance of the evidence and shall append it under his signature to the record of direction in Form F.

## Signature on forms.

10. Any form, other than a Record of Direction, which is required by these rules to be signed by the Authority, may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

## Exercise of powers.

11. In exercising the powers of a Civil Court conferred by Section 18 the Authority shall be guided in respect of proce-

dures by the relevant orders of the first Schedule of the Code of Civil Procedure, 1908, with such alterations as the Authority may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of the Act or these rules.

**Appeals.**

12. (1) An appeal shall be preferred in duplicate in the form of a memorandum one copy of which shall bear the prescribed court-fee, setting forth concisely the grounds of objection to the directions and shall be accompanied by a certified copy of that direction.

(2) When an appeal is lodged a notice shall issue to the respondent in Form G.

(3) The Court after hearing the parties and after such further inquiry, if any, as it may deem necessary, may confirm, vary, or set aside the direction from which the appeal is preferred, and shall make an order accordingly.

**Inspection of documents.**

13. Any employed person, or any employer or his representative, or any person permitted under sub-section (2) of Section 15 to apply for a direction, shall be entitled to inspect any application, memorandum of appeal, or any other document filed with the Authority or the Court, as the case may be, in a case to which he is a party, and may obtain copies thereof on the payment of such fees as may be prescribed.

**FORM A**

**FORM OF INDIVIDUAL APPLICATION.**

[See sub-section (2) of Section 15 of the Payment of Wages Act.]

In the Court of the Authority appointed under the Payment of Wages Act (IV of 1936) for \_\_\_\_\_ area.

Application No. \_\_\_\_\_

of 194 .

Between A. B. C.

applicant.

(through \_\_\_\_\_

a legal practitioner.  
an official of \_\_\_\_\_

which is a registered trade union).

And X. Y. Z.

opposite party

The applicant states as follows :—

1. A. B. C. is a person employed in the \_\_\_\_\_

on

factory  
railway  
industrial establishment  
entitled.  
and resides at \_\_\_\_\_

The address of the applicant for the service of all notices and processes is :—

2. X. Y. Z., the opposite party, is the person responsible for the payment of his wages under section 3 of the Act, and his address for the service of all notices and process is :—

3. (1) The applicant's wages have not been paid for the following wage period (s) (give dates)

Or A sum of has been unlawfully deducted from his wages of (amount) for the wage period (s) which ended on [give date(s)].

(2) [Here give any further claim or explanation].

4. The applicant estimates the value of the relief sought by him at the sum of rupees

5. The applicant prays that a direction may be issued under sub-section (3) of Section 15 for :—

(a) Payment of his delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or Refund of the amount illegally deducted.

(b) Compensation amounting to

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature or thumb impression of the  
employed person, or legal practitioner,  
or official of a registered  
trade union duly authorised.

### FORM B

#### FORM OF GROUP APPLICATION.

[See sub-section (2) of Section 15 and Section 16 of the  
Payment of Wages Act.]

In the Court of the Authority appointed under the payment  
of Wages Act (IV of 1936) for area.  
Application No. of 19 ,

Between A. B. C. and (state the number) others,  
applicants :

(through a legal practitioner.  
an official of  
which is a registered trade union).

And X. Y. Z.

, opposite party.

The applicants state as follows :—

1. The applicants whose names appear in the attached schedule are persons employed in the factory entitled.  
on railway  
industrial establishment

The address of the applicants' for service of all notices and processes is :—

2. X. Y. Z., the opposite party, is the person responsible for the payment of wages under Section 3 of the Act, and his address for the service of all notices and processes is :—

3. The applicants' wages have not been paid for the following wage period(s) :—

4. The applicants estimate the value of the relief sought by them at the sum of rupees.

5. The applicants pray that a direction may be issued under sub-section (3) of Section 15 for :—

(a) Payment of the applicants' delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

(b) Compensation amounting to .

The applicants certify that the statement of facts contained in this application is to the best of their knowledge and belief accurate.

Signature or thumb impression of two of the applicants, or legal practitioner, or an official of a registered trade union duly authorised.

### SCHEDULE.

Name of applicants :—

1.

2.

3.

4.

\*

\*

## FORM C

## FORM OF APPLICATION BY AN INSPECTOR OR PERSON PERMITTED BY THE AUTHORITY OR AUTHORISED TO ACT

[See sub-section (2) of section 15 and section 16 of the Payment of Wages Act.]

In the Court of the Authority appointed under the Payment of Wages Act, for \_\_\_\_\_ area.

Application No. \_\_\_\_\_

of 194 .

Between

A. B. C., [ (designation) \_\_\_\_\_ an Inspector under the Payment of Wages Act] [or a person permitted by the authority authorised to act under sub-section (2) of section 15] \_\_\_\_\_ applicant.

And

X. Y. Z.

the opposite party.

The applicant states as follows:—

1. X. Y. Z., the opposite party is the person responsible under the Act for the payment of wages to the following person(s):—

(1)

(2)

(3)

\*

\*

2. His address for the service of all notices and processes is :

3. The wages of the said person(s) due in respect of the following wage period(s) have not been paid.

have been suggested to the following illegal deductions:-

4. The applicant estimates the value of the relief sought for the person(s) employed at the sum of Rs. \_\_\_\_\_

5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for:—

(a) Payment of the delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

Or Refund of the amount illegally deducted

(b) Compensation amounting to \_\_\_\_\_

The applicant certifies that the statement of facts contained in this application is to the best of his knowledge and belief accurate.

Signature.



FORM D

CERTIFICATE OF AUTHORISATION

We employed person(s) hereby authorise a legal practitioner  
an official of  
 which is a registered trade union to act on my  
our  
 behalf under section 15, and section 17 of the Payment of Wages  
 Act (IV of 1936) in respect of the claim against on account  
 of the { Delay in payment of } my  
 { Illegal deductions from } our wages  
 for

Witnesses (1)

Signatures (1)

(2)

(2)

(3)

(3)

(4)

(4)

\*

\*

\*

\*

\*

\*

I accept the authorisation.

Signature.

Legal practitioner.

Official of a registered trade union.

## FORM E.

## NOTICE FOR THE DISPOSAL OF APPLICATION

To

Whereas under the Payment of Wages Act, 1936 (IV of 1936), a claim against you has been presented to me in the application of which a copy is enclosed, you are hereby called upon to appear before me either in person, or by any person duly instructed, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all such questions, on the                      day of                      19                      at                      o'clock in the  $\frac{\text{fore}}{\text{after}}$  noon to answer the claim; and as the day fixed for your appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the application will be heard and determined in your absence.

Given under my hand and seal, this                      day of                      194 .

Authority.



FORM F

RECORD OF DIRECTION

- (1) Serial number
- (2) Date of the application
- (3) Name or names, parentage, address, or addresses of the applicants, or some, or all of the applicants belonging to the same unpaid group:—
- (4) Name and address of the employer:—
- (5) Amount claimed:—
  - (a) as delayed wages: Rs. .
  - (b) as deducted from wages: Rs.
- (6) Plea of the employer and his examination (if any):—
- (7) Finding, and, in the case of a direction under sub-section (3) or (4) of section 15, a brief statement of the reasons therefor:—

Rs.
- (8) Amounts awarded—
  - (a) Delayed wages
  - (b) Deducted wages
- (9) Compensation awarded
- (10) Penalty imposed
- (11) Costs awarded to—
  - (i) Court-fee charges
  - (ii) Pleader's fee
  - (iii) Witnesses expenses

Signed

Dated

*Note.*—In cases where an appeal lies attach on a separate sheet the substance of the evidence.

## FORM G

NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE  
HEARING OF THE APPEAL UNDER SECTION 17 OF THE  
PAYMENT OF WAGES ACT, 1936

Appeal from the decision of the Authority for the  
area, dated the                      day of                      194 .

To

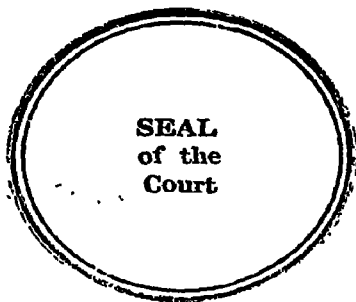
Respondent.

Take notice that an appeal of which a copy is enclosed, from the decision of the Authority for                      area has been presented by X. Y. Z. (and others), and registered in this Court, and that the                      day of                      193 , has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself, or by some one by law authorised to act for you in this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the Court, this  
day of                      194 .

Judge.



## Payment of Wages Act, 1936

### BOMBAY PAYMENT OF WAGES RULES, 1937.

BOMBAY CASTLE, 1ST MARCH 1937

No. 9639.—In exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26 of the Payment of Wages Act, 1936 (IV of 1936), the Governor in Council is pleased to make the following rules, namely:—

#### Title

1. These rules may be called the Bombay Payment of Wages Rules, 1937.

#### Definitions

2. In these rules, unless there is anything repugnant in the subject or context,—

- (a) "the Act" means the Payment of Wages Act (IV of 1936) ;
- (b) "the Authority" means the authority appointed under sub-section (1) of section 15 of the Act ;
- (c) "the Chief Inspector of Factories" means the Chief Inspector of Factories appointed under sub-section (2) of section 10 of the Factories Act (XXV of 1934) ;
- (d) "the Court" means the Court mentioned in sub-section (1) of section 17 of the Act ;
- (e) "deduction for breach of contract" means a deduction made in accordance with the provisions of the proviso to sub-section (2) of section 9 ;
- (f) "deduction for damage or loss" means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of section 7 ;
- (g) "Form" means a form appended to these rules ;
- (h) "Inspector" means the inspector authorised by or under section 14 of the Act ;
- (i) "person employed" excludes all persons to the payment of whose wages the Act does not apply ;
- (j) "section" means a section of the Act ;
- (k) "paymaster" means an employer or other person responsible under section 3 of the Act for the payment of wages ;
- (l) words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

#### SECTION 26 (2) AND 26 (3) (a)

#### Register of Fines

3. (1) In any factory in respect of which the employer has obtained approval under sub-section (1) of section 8 to a list of

acts and omissions in respect of which fines may be imposed, the paymaster shall maintain a Register of Fines in Form I.

(2) At the beginning of the Register of Fines there shall be entered serially numbered the approved purpose or purposes on which the fines realized are to be expended.

(3) Vouchers or receipts in connection with any expenditure from the fines' fund shall be produced for the scrutiny of the Inspector when required by him.

#### **Register of deductions for damage or loss**

4. In every factory in which deductions for damage or loss are made the paymaster shall maintain the Register required by sub-section (2) of section 10 in Form II.

#### **Register of Wages**

5. A Register of Wages shall be maintained in every factory and may be kept in such form as the paymaster finds convenient but shall include the following particulars :—

- (a) the gross wages earned by each person employed for each wage period ;
- (b) all deductions made from those wages, with an indication in each case of the clause of sub-section (2) of section 7 under which the deduction is made ;
- (c) the wages actually paid to each person employed for each wage period.

#### **Maintenance of Registers**

6. The registers required by rules 3, 4, 5 and 17 shall be preserved by the employer for twelve months after the date of the last entry made in them.

### **SECTION 26 (3) (c)**

#### **Weights, Measures and Weighing Machines**

7. All weights or measures or weighing or measuring instruments which are used in checking or ascertaining the wages of persons employed in any factory shall be examined in accordance with the provisions of the Bombay Weights and Measures Act, 1932. If an Inspector considers that any action should be taken under the said Act, he may seize the article in question and shall report the matter with his opinion to the Inspector of Weights and Measures having jurisdiction under the said Act for necessary action.

### **SECTION 26 (3) (d)**

#### **Notice of dates of payment**

8. The paymaster shall display, in a conspicuous place at or near the main entrance of the factory, a notice, in English and in the language of the majority of the persons employed therein, showing the days on which wages are to be paid.

**SECTION 26 (3) (a), (e), (f) and (h).****Prescribed authority**

9. In the case of persons employed by the Municipal Corporation for the City of Bombay, the Municipal Commissioner for the City of Bombay, and in all other cases, the Chief Inspector of Factories shall be the authorities competent to approve under sub-section (1) of section 8, acts and omissions in respect of which fines may be imposed and, under sub-section (8) of section 8, the purposes on which the proceeds of fines shall be expended.

**Application in respect of fines**

10. Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the authority appointed under rule 9—

- (a) a list, in English, in duplicate, clearly defining such acts and omissions ;
- (b) in cases where the employer himself does not intend to be the sole person empowered to impose fines, a list, in duplicate, showing those appointments in his factory of which the incumbents may pass orders imposing fines and the class of establishment on which the incumbent of each such appointment may impose fine.

**Approval of lists**

11. The authority appointed under rule 9 on receipt of the lists prescribed in the preceding rule may, after such enquiry as he considers necessary, pass orders either—

- (a) disapproving the lists,
- (b) approving the lists either in their original form or as amended by him, in which case such lists shall be considered to be approved lists,

provided that no order disapproving or amending any lists shall be passed unless the employer shall have been given an opportunity of showing cause orally or in writing why the lists as submitted by him should be approved.

**Posting of list**

12. The employer shall display at or near the main entrance of the factory a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed therein, of the list of acts and omissions approved under rule 11.

**Persons authorized to impose fines**

13. No fine may be imposed by any person other than an employer, or a person holding an appointment named in a list submitted under rule 10.

**Procedure in imposing fines and deductions**

14. Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss shall explain personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction, which it is proposed to impose, and shall hear his explanation in the presence of at least one other person.

**Information to paymaster**

15. The person imposing a fine or directing the making of a deduction for damage or loss shall at once inform the paymaster of all particulars, so that the register described in rule 3 or rule 4 may be duly completed.

**SECTION 26 (3) (g).****Deductions for breach of contract**

16. (1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No deduction for breach of contract shall be made from the wages of any employed person unless :—

- (a) there is provision in writing forming part of the terms of the contract of employment requiring him to give notice of the termination of his employment and
  - (i) the period of this notice does not exceed fifteen days or the wage-period, whichever is less ; and
  - (ii) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment ;
- (b) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made ;
- (c) a notice has been displayed at or near the main entrance of the factory giving the names of the persons from whom the deduction is proposed to be made, the number of days' wages to be deducted and the conditions (if any) on which the deduction shall be remitted :

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections of the factory, it shall be sufficient, in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.

(3) No deduction for breach of contract shall exceed the wages of the person employed for the period by which the notice



of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (c) of sub-rule (2), no deduction for breach of contract shall be made from any person who has complied with these conditions.

SECTION 26 (2) and 26 (3) (i)

**Advances**

17. (1) An advance of wages not already earned shall not, without the previous permission of an Inspector, exceed on amount equivalent to the wages earned by the employed person during the preceding four calendar months, or if he has not been employed for that period, the wages he is likely to earn during the four subsequent calendar months.

(2) The advance may be recovered in instalments by deductions from wages spread over not more than eighteen months. No instalment shall exceed one-third, or where the wages for any wage-period are not more than twenty rupees, one-fourth of the wages for the wage-period in respect of which the deduction is made.

(3) The amounts of all advances sanctioned and the repayments thereof shall be entered in a register in Form III.

(4) The rate of interest charged for advances granted under sub-rule (1) shall not exceed  $6\frac{1}{4}$  per cent. per annum.

SECTION 26 (2), 26 (3) (a) and 26 (3) (b).

**Annual Return**

18. The Paymaster shall send a return in Form IV in respect of every factory so as to reach the authority appointed under rule 9 not later than the 15th of February following the end of the calendar year to which it relates.

**Display of rates of wages**

19. In every cotton spinning and weaving factory and in every artificial silk factory, a notice shall be displayed by the Paymaster in each department of the factory, specifying the rates of wages payable to all persons employed in such factory other than those who are employed in positions of supervision or management or those who are employed in a confidential position in accordance with the provisions of the Bombay Factories Rules, 1935.

SECTION 26 (3) (i).

**Costs**

20. (1) Where the Authority or the Court, as the case may be, directs that any costs shall not follow the event, he shall state his reasons for so doing in writing.

(2) The costs which may be awarded shall include—

(a) the charges necessarily incurred on account of court-fees;

## LABOUR AND FACTORY LEGISLATION

- (b) the charges necessarily incurred on subsistence money to witnesses; and
- (c) pleader's fees which shall ordinarily be Rs. 10 provided that the Authority or the Court, as the case may be, in any proceedings, may reduce the fee to a sum not less than Rs. 5 or increase it to a sum not exceeding Rs. 30.
- (3) When a party engages more pleaders than one to defend a case, he shall be allowed one set of costs only.
21. The Authority or the Court, as the case may be, may fix fees on the payment of which any person entitled to do so may obtain copies of any documents filed with the Authority or the Court, as the case may be :  
 Provided that the Authority or the Court, as the case may be, may, in consideration of the poverty of the applicant, grant copies free of costs.

## SECTION 26 (3) (k).

## Fees

22. The fee payable in respect of proceedings under the Act shall be :—

- (i) For every application to Four annas in respect of each witness.  
 summon a witness.
- (ii) For every other application made by or on behalf of an individual person before the Authority. Eight annas.
- (iii) For every other application made by or on behalf of an unpaid group before the Authority. Four annas for each member of the group, subject to a maximum of five rupees.
- (iv) For every appeal lodged with the Court. Five rupees.

Provided that the Authority or the Court may, in consideration of the poverty of the applicant, reduce or remit this fee :  
 Provided further that no fee shall be chargeable in respect of an application presented by an Inspector.

## SECTION 26 (3) (l).

## Abstracts

23. The abstracts of the Act and of the rules made thereunder to be displayed under section 25 shall be in Form V.

## SECTION 26 (4)

## Penalties

24. Any breach of rules 3, 4, 5, 6, 8, 12, 15, 18 and 19 of these rules shall be punishable with fine which may extend to two hundred rupees.

**Name of Factory :—**

[illegible]

\* By "Wages Payable" is meant the gross wages earned by a workman for time workers the wages due for the pay period less deductions for absence from duty; for piece workers the wages due on production...in both cases without deductions for fines or for services rendered by the employer.  
† Here enter month if payment is made by the English calendar month. In the case of other pay periods, enter "week," "fortnight," or "months" as the case may be, giving the dates covered by the pay period.

Here enter month if payment is made by the English calendar month. In the case of other currencies, enter month for the pay period less deductions for absence and for services rendered by the employer.

the case may be, giving the dates covered by the pay period.



FORM IV

DEDUCTIONS FROM WAGES

Return for the year ending 31st December 19 .

1. (a) Name of Factory
- (b) Postal Address
- \* (c) Class of Factory

† 2. Average number of workers employed daily—

‡ On day-shift	(Men. )
	(Women )
‡ On night-shift	(Men )
Total ..	

† 3. Actual number of days worked during the year—

- ‡ On day-shift
- ‡ On night-shift

4.\* Total wages paid including deductions under clauses (d) to (j) of sub-section (2) of section 7 of the Payment of Wages Act, 1936, but not other deductions—

	Rs. a. p.
(Men )	
(Women )	
Total	

5. Number of cases and amounts realized as—

	No. of cases	Amount
(a) Fines		
(b) Deductions for damage or loss		
(c) Deductions for breach of contract		

6. Disbursements from fine fund—

	Amount	Purpose
	Rs.	

Signature

Designation

Dated

. 19 .

\* e.g., cotton mill, iron foundry, flour mill, etc.

† Information should only be given for those workers whose wages payable are less than Rs. 200 per month.

‡ If any factory runs more than two shifts, the information should be given separately for each shift, e.g., 1st shift, 2nd shift and 3rd shift.

## FORM V

ABSTRACT OF THE PAYMENT OF WAGES ACT, 1936, AND  
THE RULES MADE THEREUNDER

## Whom the Act affects

1. The Act applies to the payment of wages to persons in this factory receiving less than Rs. 200 a month.

2. No employed persons can give up by contract, or agreement, his rights under the Act.

## Definition of wages

3. "Wages" means all remuneration payable to an employed person on the fulfilment of his contract of employment.

It includes bonus and any sum payable for want of a proper notice of discharge.

It excludes :—

- (a) the value of house-accommodation, supply of light, water, medical attendance, or other amenity or of any service excluded by the Provincial Government ;
- (b) the employer's contribution to a pension or provident fund ;
- (c) travelling allowance or concession or other special expenses entailed by the employment ;
- (d) any gratuity payable on discharge.

## Responsibility for and method of payment

4. The manager of the factory is responsible for the payment under the Act of wages to persons employed under him, and any contractor employing persons is responsible for payment to the persons he employs.

5. Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month.

6. Wages shall be paid on a working day within 7 days of the end of the wage-period (or within 10 days if 1,000 or more persons are employed).

The wages of a person discharged shall be paid not later than the second working day after his discharge.

7. Payments in kind are prohibited.

## Fines and deductions

8. No deductions shall be made from wages except those authorised under the Act (see paragraphs 9—15 below).

9. Except in the case of Municipal factories in the Town and Island of Bombay—

(1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Chief

Inspector of Factories, specify by a notice displayed at or near the main entrance of the factory and after giving the employed person an opportunity for explanation. .

(2) Fines—

- (a) shall not exceed half-an-anna in the rupee ;
- (b) shall not be recovered by instalments, or later than sixty days of the date of imposition ;
- (c) shall be recorded in a register and applied to such purposes beneficial to the employed persons as approved by the Chief Inspector of Factories ;
- (d) shall not be imposed on a child.

10. (a) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working, and such deductions must not exceed an amount which is in the same proportion to his wages for the wage period, as the time he was absent in that period is to the total time he should have been at work.

- (b) If ten or more employed persons, acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but :—

(1) no deduction for breaking a contract can be made from a person under 15 or a woman,

(2) there must be a provision in writing which forms part of the contract of employment, requiring that a specific period of notice of intention to cease work not exceeding 15 days or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in lieu of such notice.

(3) The above provision must be displayed at or near the main entrance of the factory.

(4) No deduction of this nature can be made until a notice that this deduction is to be made has been posted at or near the main entrance of the factory.

(5) No deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should give under his contract.

11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account, where such damage or loss is due to his neglect or default.

Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.

12. Deductions can be made, equivalent to the value thereof, for house accommodation, amenities, or services (other than tools and raw material) supplied by the employer, provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorised by order of Government.

13. (a) Deductions can be made for the recovery of advances, or for adjustment of overpayment of wages.
- (b) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage-period but no recovery can be made of advances given for travelling expenses before employment began.
- (c) Advances of unearned wages can be made at the paymaster's discretion during employment but must not exceed the amount of four months' wages without the permission of an Inspector.

These advances can be recovered by instalments, spread over not more than 18 months and the instalments must not exceed 1/3rd, or if the wages are not more than Rs. 20, 1/4th of the wages for any wage-period.

14. Deductions can be made for subscription to and for repayment of advances from any recognised provident fund.

15. Deductions can be made for payments to co-operative societies approved by the Provincial Government or to the postal insurance, subject to any conditions imposed by the Provincial Government.

### Inspections

16. An Inspector can enter on any premises, and can exercise powers of inspection (including examination of documents and taking evidence) as he may deem necessary for carrying out the purposes of the Act.

### Complaints of deductions or delays

17. (1) Where irregular deductions are made from wages, or delays in payment take place, an employed person can make an application in the prescribed form within six months to the Authority appointed by the Provincial Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

(2) Any legal practitioner, official of a registered trade union, Inspector under the Act, or other person acting with the permission of the Authority can make the complaint on behalf of an employed person.



(3) A single application may be presented by, or on behalf of, any number of persons belonging to the same factory the payment of whose wages has been delayed.

**Action by the Authority**  
18. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions.  
If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer.

**Appeal against the Authority**  
19. An appeal against a direction made by the Authority may be preferred, within 30 days, in Bombay to the Court of Small Causes and elsewhere to the District Court—  
(a) by the paymaster if the total amount directed to be paid exceeds Rs. 300 ;  
(b) by an employed person, if the total amount of wages withheld from him or his co-workers, exceeds Rs. 50 ;  
(c) by a person directed to pay a penalty for a malicious or vexatious application.

**Punishments for breaches of the Act**  
20. Any one delaying the payment of wages beyond the due date, or making any unauthorised deduction from wages is liable to a fine up to Rs. 500, but only if prosecuted with the sanction of the Authority or the appellate Court.

21. The paymaster, who,—  
(1) does not fix a wage-period, or  
(2) makes payment in kind, or  
(3) fails to display at or near the main entrance of the factory this Abstract in English and in the language of the majority of the employed persons, or  
(4) breaks certain rules made under the Act,  
is liable to a fine not exceeding Rs. 200.  
A complaint to this effect can be made only by the Inspector, or with his sanction.

**The Bombay Payment of Wages (Minor and Indian State Railways) Rules, 1937**, as published in the Government of India, Notification, Department of Industries and Labour, No. L-3070, dated the 10th March 1937, as amended by Notification, Political and Services Department, No. 9639, dated the 11th September 1940 :—

# RULES

## Title and application

1. (1) These rules may be called the Bombay Payment of Wages (Minor and Indian State Railways) Rules, 1937.

(2) These rules apply in respect of the payment of wages to persons employed upon any railway (including factories) other than a Federal Railway by or under a Railway Administration.

### Definitions

2. In these rules, unless there is anything repugnant in the subject or context,—

- (a) "the Act" means the Payment of Wages Act (IV of 1936) ;
- (b) "the Authority" means the authority appointed under sub-section (1) of section 15 of the Act ;
- (c) "the Chief Inspector of Factories" means the Chief Inspector of Factories appointed under sub-section (2) of section 10 of the Factories Act (XXV of 1934) ;
- (d) "the Court" means the court mentioned in sub-section (1) of section 17 of the Act ;
- (e) "deduction for breach of contract" means a deduction made in accordance with the provisions of the proviso to sub-section (2) of section 9 ;
- (f) "deduction for damage or loss" means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of section 7 ;
- (g) "Form" means a form appended to these rules ;
- (h) "Inspector" means an inspector authorized by or under section 14 of the Act ;
- (i) "person employed" does not include any person to the payment of whose wages the Act does not apply ;
- (j) "section" means a section of the Act ;
- (k) "paymaster" means the Railway Administration or other person or persons who may be nominated as such by the Railway Administration under clause (c) of section 3 ;
- (l) "the Supervisor" means the officer called "Conciliation Officer (Railways) and Supervisor of Railway Labour" appointed by the Central Government ;
- (m) words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

### Register of Fines

3. (1) On any railway of which the Railway Administration has obtained approval under sub-section (1) of section 8 to a list of acts and omissions in respect of which fines may be imposed, the paymaster shall maintain a Register of Fines in Form I.

(2) At the beginning of the Register of Fines there shall

be entered serially numbered the approved purpose or purposes on which the fines realized are to be expended.

(3) When any disbursements are made from the fines realised, a deduct entry of the amount so expended shall be made in the Register of Fines, and a voucher or receipt in respect of the amount shall be affixed to the Register. If more than one purpose has been approved the entry of the disbursement shall also indicate the purpose for which it is made.

**Register of deductions for damage or loss**  
4. On every railway in which deductions for damage or loss are made the paymaster shall maintain the Register required by sub-section (2) of section 10 in Form II.

**Register of Wages**  
5. A Register of Wages shall be maintained by every Railway Administration and may be kept in such form as the paymaster finds convenient but shall include the following particulars :—

- (a) the gross wages of each person employed for each wage period ;
- (b) all deductions made from those wages, with an indication, in each case, of the clause of sub-section (2) of section 7 under which the deduction is made ;
- (c) the wages actually paid to each person employed for each wage-period.

**Maintenance of Registers**

6. The registers required by rules 3, 4 and 5 shall be preserved for twelve months after the date of the last entry made in them.

**Places for displaying notices**

7. The Supervisor shall specify such place or places on the railway, other than factories, as he thinks fit (hereinafter referred to as "specified place" or "specified places") for the display of notices, lists, and rules under rules 8, 12, and 16.

**Notice of dates of payment**

8. The paymaster shall display, in a conspicuous place at or near the main entrance of every factory in his jurisdiction, and at the specified place or specified places, a notice, in English and in the language of the majority of the persons employed at such factories or places showing for not less than two months in advance, the days on which wages are to be paid.

**Prescribed authority**

9. The Chief Inspector of Factories, in respect of factories in his jurisdiction, and the Supervisor, in other cases, shall be

the authority competent to approve, under sub-section (1) of section 8, acts and omissions in respect of which fines may be imposed and, under sub-section (8) of section 8, the purposes to which the proceeds of fines shall be applied.

**Application in respect of fines**

10. Every Railway Administration requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the Chief Inspector of Factories or the Supervisor, as the case may be—

- (a) a list, in English, in duplicate, clearly defining such acts and omissions ;
- (b) in cases where the Railway Administration itself does not intend to be the sole authority empowered to impose fines, a list, in duplicate, showing, by virtue of office, such of its officers as may pass orders imposing fines and the class of establishment on which any such officer may impose fine.

**Approval of list of acts and omissions**

11. The authority prescribed under rule 9 may, on receipt of the list prescribed in sub-rule (a) of rule 10, and after such enquiry as he considers necessary, pass orders in respect of the list referred to in clause (a) of rule 10, and after such enquiry as he considers necessary, pass orders in respect of the list referred to in clause (a) of rule 10 either—

- (a) disapproving the list,
- (b) approving the list either in its original form or as amended by him, in which case such list shall be deemed have been approved under sub-section (1) of section 8 :

Provided that no order disapproving or amending the list shall be passed unless the Railway Administration shall have been given an opportunity of showing cause orally or in writing against such order.

**Posting of list**

12. The Railway Administration shall display at or near the main entrance of every factory, and at the specified place or specified places, a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed at such factory or place, of the list approved under rule 11.

**Persons authorized to impose fines**

13. No fine may be imposed by any person other than the Railway Administration, or a person holding an appointment named in the list referred to in sub-rule (b) of rule 10.

**Procedure in imposing fines and deductions**

14. No fine shall be imposed on and deductions made from a person employed upon a railway except in accordance with the procedure laid down in the rules and regulations in force on the Railway Administration, and no fine shall be imposed or deduction made until the employed person has been given an opportunity of showing cause against such imposition or deduction.

**Information to paymaster**

15. The person imposing a fine or directing the making of a deduction for damage or loss shall at once inform the paymaster of all particulars necessary for the completion of the register prescribed in Rule 3 or Rule 4, as the case may be.

**Deductions under the proviso to sub-section (2) of section 9**  
16. (1) No deduction under the proviso to sub-section (2) of section 9 shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No such deduction shall be made from the wages of any employed person unless :—

- (a) there is provision in writing in the terms of the contract of employment requiring him to give notice of the termination of his employment and
  - (i) the period of this notice does not exceed fifteen days or the wage-period, whichever is less; and
  - (ii) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;
- (b) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory, and at the specified place or specified places, concerned and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;
- (c) a notice has been displayed at or near the main entrance of the factory, and at the specified place or specified places, concerned, giving the names of the persons from whom the deduction is proposed to be made, the number of days' wages to be deducted and the conditions (if any) on which the deduction will be remitted.

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections or factories of the railway, it shall be sufficient, in lieu of giving the

names of the persons in such departments, sections, or factories to specify the departments, sections, or factories affected.

(3) No such deduction shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (c) of sub-rule (2), no such deduction shall be made from any person who has complied with such conditions.

#### **Annual Return**

17. Every Railway Administration in which during the year ending the 31st March any fines have been imposed or any deductions for breach of contract or for damage or loss have been made from wages, shall send a return in Form III so as to reach the Chief Inspector of Factories or the Supervisor, as the case may be, not later than the 15th of May following the end of the year to which it relates.

#### **Costs and Court Fees**

18. The scales of costs which may be allowed in, and the amount of court-fees payable in respect of proceedings under the Act to which these rules apply shall be such scales and such amount as are prescribed by the Provincial Government in that behalf for the Authority or Court concerned.

#### **Abstracts**

19. The abstracts of the Act and of the rules made thereunder to be displayed under section 25 shall be in Form IV.

#### **Penalties**

20. Any breach of rules 3, 4, 5, 6, 8, 12, 15 and 17 of these rules shall be punishable with fine which may extend to two hundred rupees.









## FORM IV

ABSTRACT OF THE PAYMENT OF WAGES ACT, 1936, AND  
THE RULES MADE THEREUNDER

Same as Form V under Rule 23 of Bombay Payment of Wages Rules 1937. given before.

## Payment of Wages Act, 1936

## PAYMENT OF WAGES (FEDERAL RAILWAY) RULES, 1938

No. L.-3070 (1), dated Simla, the 5th May 1938.

In exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26, read with section 24, of the Payment of Wages Act, 1936 (IV of 1936), and in supersession of the Payment of Wages (Railways) Rules, 1937, in so far as they relate to Federal Railways within the meaning of the Government of India Act, 1935, the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (5) of section 26 of the first-named Act, namely :

## RULES

Title, Extent<sup>1</sup> and Application

1. (1) These rules may be called the Payment of Wages (Federal Railways) Rules, 1938.

(2) These rules apply in respect of the payment of wages to persons employed upon any federal railway (including factories) by or under a Railway Administration.

(3)<sup>2</sup> These rules extend to the whole of British India, including Berar.

## Definitions

2. In these rules, unless there is anything repugnant in the subject or context,—

- (a) "the Act" means the Payment of Wages Act (IV of 1936) ;
- (b) "the Authority" means the authority appointed under sub-section (1) of section 15 of the Act ;
- (c) "the Court" means the court mentioned in sub-section (1) of section 17 of the Act ;
- (d) "deduction for breach of contract" means a deduction made in accordance with the provisions of the proviso to sub-section (2) of section 9 ;

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<sup>1</sup> Added vide G. of B. Part IV.c, P. 1014 of 11-12-41.

<sup>2</sup> Added vide *ibid*.

- (e) "deduction for damage or loss" means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of section 7 ;
- (f) "Federal Railway" has the same meaning as in the Government of India Act, 1935 ;
- (g) "Form" means a form appended to these rules ;
- (h) "Inspector" means an inspector authorized by or under section 14 of the Act ;
- (i) "person employed" does not include any person to the payment of whose wages the Act does not apply ;
- (j) "section" means a section of the Act ;
- (k) "paymaster" means the Railway Administration or other person or persons who may be nominated as such by the Railway Administration under clause (c) of section 3 ;
- (l) "the Supervisor" means the supervisor of Railway Labour appointed by notification in the Gazette of India under sub-section (1) of section 71G of the Indian Railways Act (IX of 1890) ;
- (m) words and expressions defined in the Act shall be deemed to have the same meaning as in the Act.

#### **Register of Fines**

3. (1) On any railway of which the Railway Administration has obtained approval under sub-section (1) of section 8 to a list of acts and omissions in respect of which fines may be imposed, the paymaster shall maintain a Register of Fines in Form I.

(2) At the beginning of the Register of Fines there shall be entered serially numbered the approved purpose or purposes on which the fines realized are to be expended.

(3) When any disbursements are made from the fines realized, a deduct entry of the amount so expended shall be made in the Register of Fines, and a voucher or receipt in respect of the amount shall be affixed to the Register. If more than one purpose has been approved the entry of the disbursement shall also indicate the purpose for which it is made.

#### **Register of deductions for damage or loss**

4. On every railway in which deductions for damage or loss are made the paymaster shall maintain the Register required by sub-section (2) of section 10 in Form II.

#### **Register of Wages**

5. A Register of Wages shall be maintained by every Railway Administration and may be kept in such form as the paymaster finds convenient but shall include the following particulars :—

- (a), the gross wages of each person employed for each wage period ;
- (b) all deductions made from those wages, with an indication, in each case, of the clause of sub-section (2) of section 7 under which the deduction is made ;
- (c) the wages actually paid to each person employed for each wage period.

#### **Maintenance of Registers**

6. The registers required by rules 3, 4 and 5 shall be preserved for twelve months after the date of the last entry made in them.

#### **Places for displaying notices**

7. The Supervisor shall specify such place or places on the railway, other than factories, as he thinks fit (hereinafter referred to as "specified place" or "specified places") for the display of notices, lists and rules under rules 8, 12 and 16.

#### **Notice of dates of payment**

8. The paymaster shall display in a conspicuous place at or near the main entrance of every factory in his jurisdiction, and at the specified place or specified places, a notice, in English and in the language of the majority of the persons employed at such factories or places showing for not less than two months in advance, the days on which wages are to be paid.

#### **Prescribed authority**

9. The Supervisor shall be the authority competent to approve, under sub-section (1) of section 8, acts and omissions in respect of which fines may be imposed and, under sub-section (8) of section 8, the purposes to which the proceeds of fines shall be applied.

#### **Application in respect of fines**

10. Every Railway Administration requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the Supervisor—

- (a) a list, in English, in duplicate, clearly defining such acts and omissions ;
- (b) in cases where the Railway Administration itself does not intend to be the sole authority empowered to impose fines, a list, in duplicate, showing, by virtue of office, such of its officers as may pass orders imposing fines and the class of establishment on which any such officer may impose fine.

#### **Approval of list of acts and omissions**

11. The Supervisor may, on receipt of the list prescribed in sub-rule (a) of rule 10, and after such enquiry as he considers

necessary, pass orders in respect of the list referred to in clause (a) of rule 10 either—

(a) disapproving the list,

(b) approving the list either in its original form or as amended by him, in which case such list shall be deemed to have been approved under sub-section (1) of

section 8 :

Provided that no order disapproving or amending the list shall be passed unless the Railway Administration shall have been given an opportunity of showing cause orally or in writing against such order.

#### **Posting of list**

12. The Railway Administration shall display at or near the main entrance of every factory, and at the specified place or specified places, a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed at such factory or place, of the list approved under rule 11.

#### **Persons authorized to impose fines**

13. No fines may be imposed by any person other than the Railway Administration, or a person holding an appointment named in the list referred to in sub-rule (b) of rule 10.

#### **Procedure in imposing fines and deductions**

14. No fine shall be imposed on and no deductions made from a person employed upon a railway except in accordance with the procedure laid down in the rules and regulations in force on the Railway Administration, and no fine shall be imposed or deduction made until the employed person has been given an opportunity of showing cause against such imposition or deduction.

#### **Information to paymaster**

15. The person imposing a fine or directing the making of a deduction for damage or loss shall at once inform the paymaster of all particulars necessary for the completion of the register prescribed in Rule 3 or Rule 4, as the case may be.

#### **Deductions under the proviso to sub-section (2) of section 9**

16. (1) No deduction under the proviso to sub-section (2) of section 9 shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No such deduction shall be made from the wages of any employed person unless :—

(a) there is provision in writing in the terms of the contract of employment requiring him to give notice of the termination of his employment ; and

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- (i) the period of this notice does not exceed fifteen days or the wage-period, whichever is less; and
- (ii) the period of this notice does not exceed the period of notice which the employer is required to give of the termination of that employment;
- (b) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory, and at the specified place or specified places, concerned, and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;
- (c) a notice has been displayed at or near the main entrance of the factory, and at the specified place or specified places, concerned, giving the names of the persons from whom the deduction is proposed to be made, the number of days' wages to be deducted and the conditions (if any) on which the deduction will be remitted.

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections or factories of the railway, it shall be sufficient, in lieu of giving the names of the persons in such departments, sections, or factories to specify the departments, sections, or factories affected.

(3) No such deduction shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (c) of sub-rule (2), no such deduction shall be made from any person who has complied with such conditions.

#### Annual Return

17. Every Railway Administration<sup>1</sup> shall send a return in Form III so as to reach the Supervisor not later than the 15th of May following the end of the year to which it relates.

#### Procedure, costs and court fees

18. The procedure to be followed by the authorities appointed under sub-section (1) of section 15 and the Courts mentioned in sub-section (1) of section 17, of the Act, the scales of costs which may be allowed in, and the amount of court-fees payable in respect of, proceedings under the Act to which these rules apply shall be such procedure, scales and amount as are from time to time prescribed by the Provincial Government in the

<sup>1</sup> The words and figures "in which during the year ending the 31st March any fines have been imposed or any deductions for breach of contract or for damage or loss have been made from wages" are omitted vide G. of B. Part IVc, p. 480 of 15-6-44.

## Abstracts

## Penalties

20. Any breach of rules 3, 4, 5, 6, 8, 12, 15 and 17 of these rules shall be punishable with fine which may extend to two hundred rupees.

## Register of Fines

Railway	Department
	Division
	District
	Factory

[illegible]

Register of deductions for damage or loss caused to the employer by the neglect or default of the employed person.

Railway	Department
	Division
	District
	Factory

1	Serial No.	2	Name	3	Father's Name	4	Designation and place of work	5	Nature and extent of damage or loss caused	6	Date and reference of order asking workman to show cause against Deduction	7	Whether Worker showed cause against deduction or not. If so, enter date	8	Date and amount of deduction imposed	9	No. of instalments, if any	10	Date on which total amount realised	11	Remarks
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**FORM III**

## DEDUCTIONS FROM WAGES

**Return for the year ending 31st March 19 .**

1. Name of railway and postal address of headquarters
2. Total number of persons employed } Adults  
Children
3. Total wages paid
4. Number of cases and amounts realized as—

	No. of cases	Amounts
(a) Fines ... ..		
(b) Deductions for damage or loss ...		Rs.
(c) Deductions for breach of contract ...		

### 5. Disbursements from fine fund—

	Amount	Purpose
	Rs.	

**Signature**

### Designation

**Dated**

19 .



FORM IV

ABSTRACT OF THE PAYMENT OF WAGES ACT, 1936, AND  
THE RULES MADE THEREUNDER.

**Whom the Act affects**

1. The Act applies to the payment of wages to persons in this factory receiving less than Rs. 200 a month.
2. No employed person can give up by contract or agreement his rights under the Act.

**Definition of wages**

3. "Wages" means all remuneration payable to an employed person on the fulfilment of his contract of employment. It includes bonus and any sum payable for want of a proper notice of discharge.

It excludes :—

- (a) the value of house-accommodation, supply of light, water, medical attendance, or other amenity or of any service excluded by the Central Government ;
- (b) the employer's contributions to a pension or provident fund ;
- (c) travelling allowance or concession or other special expenses entailed by the employment ;
- (d) any gratuity payable on discharge.

**Responsibility for and method of payment**

4. The manager of the factory is responsible for the payment under the Act of wages to persons employed under him, and any contractor employing persons is responsible for payment to the persons he employs.
5. Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month.
6. Wages shall be paid on a working day within 7 days of the end of the wage-period (or within 10 days if 1,000 or more persons are employed).
- The wages of a person discharged shall be paid not later than the second working day after his discharge.
7. Payments in kind are prohibited.

**Fines and deductions**

8. No deductions shall be made from wages except those authorised under the Act (see paragraphs 9—15 below).
9. (1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Supervisor, specify by a notice displayed at or near the main entrance of the factory and after giving the employed person an opportunity for explanation.

(2) Fines—

- (a) shall not exceed half-an-anna in the rupee ;
- (b) shall not be recovered by instalments, or later than sixty days of the date of imposition ;
- (c) shall be recorded in a register and applied to such purposes beneficial to the employed persons as approved by the Supervisor ;
- (d) shall not be imposed on a child.

10. (a) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working and such deductions must not exceed an amount which is in the same proportion to his wages for the wage-period, as the time he was absent in that period is to the total time he should have been at work.

- (b) If ten or more employed persons, acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but :—

(1) no deduction for breaking a contract can be made from a person under 15 or a woman,

(2) there must be a provision in writing which forms part of the contract of employment, requiring that a specific period of notice of intention to cease work not exceeding 15 days or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in lieu of such notice,

(3) the above provision must be displayed at or near the main entrance of the factory,

(4) no deduction of this nature can be made until a notice that this deduction is to be made has been posted at or near the main entrance of the factory,

(5) no deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should give under his contract.

11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account, where such damage or loss is due to his neglect or default.

Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.

12. Deductions can be made, equivalent to the value thereof, for house accommodation, amenities, or services (other than tools and raw material) supplied by the employer provided these

are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorised by order of the Central Government.

13. (a) Deductions can be made for the recovery of advances, or for adjustment of overpayment of wages.
  - (b) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage-period but no recovery can be made of advances given for travelling expenses before employment began.
  - (c) Advances of unearned wages can be made at the paymaster's discretion during employment.
14. Deductions can be made for subscription to and for repayment of advances from any recognised provident fund.

15. Deductions can be made for payments to co-operative societies approved by the Central Government or to the postal insurance, subject to any conditions imposed by the Central Government.

#### **Inspections**

16. An Inspector can enter on any premises, and can exercise powers of inspection (including examination of documents and taking of evidence) as he may deem necessary for carrying out the purposes of the Act.

#### **Complaints of deductions or delays**

17. (1) Where irregular deductions are made from wages, or delays in payment take place, an employed person can make an application in the prescribed form within 6 months to the Authority appointed by the Local Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

(2) Any legal practitioner, official of a registered trade union; Inspector under the Act, or other person acting with the permission of the Authority can make the complaint on behalf of an employed person.

(3) A single application may be presented by, or on behalf of, any number of persons belonging to the same factory the payment of whose wages has been delayed.

#### **Action by the Authority**

18. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions.

If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer.

#### **Appeal against the Authority**

19. An appeal in the prescribed form against a direction

made by the Authority may be preferred within 30 days in Madras, Bombay, Calcutta, to the Court of Small Causes and elsewhere to the District Court—

- (a) by the paymaster if the total amount directed to be paid exceeds Rs. 300 ;
- (b) by an employed person, if the total amount of wages withheld from him or his co-workers, exceeds Rs. 50 ;
- (c) by a person directed to pay a penalty for a malicious or vexatious application.

#### **Punishments for breaches of the Act**

20. Anyone delaying the payment of wages beyond the due date, or making any unauthorised deduction from wages is liable to a fine up to Rs. 500, but only if prosecuted with the sanction of the Authority or the appellate Court.

21. The paymaster who,—

- (1) does not fix a wage-period, or
- (2) makes payment in kind, or
- (3) fails to display at or near the main entrance of the factory this Abstract in English and in the language of the majority of the employed persons, or

(4) breaks certain rules made under the Act,  
is liable to a fine not exceeding Rs. 200.

A complaint to this effect can be made only by the Inspector, or with his sanction.

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## **Payment of Wages Act, 1936**

### **BOMBAY PAYMENT OF WAGES (UNCLAIMED AMOUNT) RULES, 1943.**

No. 6520/34.—In exercise of the powers conferred by section 26 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to make the following rules : viz.

#### **Short Title**

1. The rules may be called the “Bombay Payment of Wages (unclaimed amount) Rules, 1943.

#### **Definitions**

2. In these rules unless there is anything repugnant in the subject or context

- (a) “Act” means the Payment of Wages Act, 1936 ;
- (b) “Authority” means the person appointed under subsection (1) of section 15 of the Act to hear and decide claims arising out of deductions from the wages, or delay in payment of the wages, of persons employed ;

- (c) "Financial Year" means the year commencing on the 1st day of April ;
- (d) "Section" means a section of the Act ;
- (e) "Treasury" means in the City of Bombay the Reserve Bank of India and elsewhere the Government Treasury, and
- (f) Words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

**Amounts unclaimed for three years to be credited to the Provincial Government**

3. Where any worker to whom an amount is directed to be paid under section 15 or any person entitled to claim on his behalf fails to draw it from the authority within a period of three years from the date on which the amount is deposited with or received by the authority for payment to the worker concerned, it shall at the end of the financial year be paid into the treasury to the credit of the Provincial Government as deposits unclaimed for the eventual benefit of any person who may duly establish his claim thereto.

**List of amounts unclaimed to be posted in the office of the Authority every year**

4.(1) In the month of January of each year, a list showing the amounts which at the end of the financial year will be due for being credited to the Provincial Government under rule 3 and the names of persons to whom the said amounts are payable, shall be posted up in the Office of the Authority.

(2) If the said amounts are not claimed by any persons before the 25th March in that year the authority shall pay the said amounts into the Treasury to the credit of the Provincial Government on the forenoon of 31st March in that year.

(3) In the month of April following, the authority shall furnish to the Accountant General, Bombay, a statement of all amounts credited to the Provincial Government showing separately the said amounts in serial order, the names of persons to whom they were payable on the dates on which the said amounts were credited to the Provincial Government.

**Refund**

(5) If any person proves to the satisfaction of the authority that he is entitled to any amount credited to the Provincial Government under rule 3, the authority shall make an application in the form annexed hereto to the Accountant General, Bombay, for the refund of the said amount and the Accountant General shall refund the said amount to the authority after verifying

that it has been received by him and was credited to the Provincial Government under rule 3.

### FORM

(Rule 5)

### APPLICATION FOR REFUND

\*Office of the Authority under the Payment of Wages Act.

To,

The Accountant General,  
BOMBAY.

Sir,

I have the honour to report that a claim has been preferred by ..... for an amount of Rs. .... (Rupees ..... ) bearing serial No. .... of 19 ..... in the statement furnished to you under sub-rule (3) of rule 4 of the Bombay Payment of Wages (unclaimed amount) Rules 1943, which was credited to the Provincial Government on the ..... day of ..... 194 .

2. I have satisfied myself of the validity of the claim and request that the treasury officer may be authorised to refund the said amount.

Your obedient servant,

AUTHORITY UNDER THE PAYMENT OF  
WAGES ACT\*

\*Here insert the name of the area for which an Authority has been appointed under section 15(1) of the Act.

### NOTIFICATIONS

No. L. 3070, dated New Delhi, 2-12-1936.

In pursuance of sub-section (2) of section 14 of the Payment of Wages Act, 1936 (IV of 1936) read with section 22 of the General Clauses Act, 1897 (X of 1897) the Governor General in Council is pleased to appoint the Supervisor of Railway to be an Inspector for the purposes of the first named Act in respect of all persons employed upon a railway (otherwise than in a factory) to whom the said Act applies.

(—Vide G. of B. Gaz. Part II-A; P. 1102, of 17-12-36)

No. L. 3070, dated New Delhi, the 24-2-1937.

In exercise of the powers conferred by section 24, read with sub-section (1) of section 15 of the Payment of Wages Act, 1936 (IV of 1936) read with section 22 of the General Clauses Act, 1897 (X of 1897), the Governor General in Council is pleased to appoint every officer appointed by a Local Government under sub-section (i) of section 15 of the first named Act as the Authority to hear and decide, within any area, all claims arising out of deductions from the Wages, or delay in payment of wages, of persons employed or paid within such area, to be the authority to hear and decide such claims in respect of persons employed or paid within that area by a Railway administration.

(—Vide G. of B. Gaz. Part IV-A ; P. 255 of 4-3-37).

No. L. 3070, dated New Delhi, 28-3-1937.

In pursuance of Clause (e) of sub-section (2) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Governor General in Council is pleased to authorise the following as amenities and Services for which deductions from the wages of persons employed by a railway administration may be made, namely :—

- (1) use of Railway Institutions ;
- (2) use of Railway Clubs ;
- (3) use of Railway Schools ;
- (4) Services rendered by Medical Officers ;
- (5) Supply of Electric current ;
- (6) Supply of water and
- (7) replacement of electric fittings and articles supplied in residential houses and quarters.

(—Vide G. of B. Gaz. Part IV-A; P. 540 of 15-4-1937).

No. 1552/34.—In exercise of the powers conferred by sub-section (1) of section 15 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to appoint the undermentioned Officers as the authorities to hear and decide within the area specified against their names all claims arising out of deductions from the wages and delay in payment of the wages, of persons employed or paid in these areas :—

Designation of Officers	Areas
(1) The Sub-Divisional or City or Resident Magistrate, as the case may be, in the Presidency of Bombay excluding the northern sub-division of the Kolaba District the	The limits of their respective Magisterial jurisdiction.

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- city of Bombay and the Bombay Suburban District.
- (2) The Commissioner for Workmen's Compensation, Bombay.

- (3) The First Class Magistrate, Panvel or if there is no First Class Magistrate there then the District Magistrate, Kolaba District.

The City of Bombay and the Bombay Suburban District.  
The Northern Sub-Division of the Kolaba District.

(—Vide G. of B. Gaz. Part IV-A P. 576.).

No. L.-3070, dated Simla, 21-4-1937.

In pursuance of clause (e) of sub-section (2) of section 7 read with section 24 of the Payment of Wages Act, 1936 (IV of 1936), the Central Government is pleased to authorise the following as amenities and Services for which deductions from the Wages of persons employed by a railway administration may be made, namely,

- (i) Supply of conservancy arrangements;
- (ii) Supply of diet in Railway Hospitals; and
- (iii) Supply of articles made in Railway workshops to the order of the employee.

(—Vide G. of B. Gaz. Part IV-A P. 832 of 6-5-37)

No. 9639.—In exercise of the powers conferred by sub-section (5) of section 1 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is hereby pleased to declare its intention to extend with effect from the 1st day of February 1938 the provisions of sections 3, 4, 5, 6, 15 to 22 (both inclusive) of the said Act to all classes of persons employed in any individual industrial establishment or classes of industrial establishments which have been or may be declared to be factories under section 5 of the Factories Act, 1934, for all or any of the purposes of that Act.

(—Vide G. of B. Gaz. Part IV-A P. 1414 of 14-10-1937).

No. 9639.—2. In exercise of the powers conferred by sub-section (5) of section 1 of the Payment of Wages Act, 1936 (IV of 1936) the Government of Bombay is hereby pleased to extend with effect from the 27th day of February, 1938 the provisions of sections 3, 4, 5, 6 and 15 to 22 (both inclusive) of the said Act to the payment of Wages to all classes of persons employed in any



individual industrial establishment or classes of Industrial establishments which have been or may be declared to be factories under section 5 of the Factories Act 1934 for all or any of the purposes of this Act.

(—Vide G. of B. Gaz. Part IV-A P. 139 of 17-2-38)

No. 9639.—The following notification by the Government of India, Department of Labour is republished :—

No. L. 3070 dated Simla the 13th October, 1938.

In pursuance of clause (e) of sub-section (2) of section 7 read with section 24 of the Payment of Wages Act, 1936 (IV of 1936) the Central Government is pleased to authorise the following as amenities for which deductions from the wages of person employed by a Federal Railway administration may be made namely :—

The Supply of Coal, Cinders, unserviceable sleepers and other Timber, Kerosene and other oils, Safety-Matches and cloth to employees by such administrations from their own stocks for the private use of their employees and at their written request.

(—Vide G. of B. Gaz. Part IV-A; P. 1706-7 of 20-10-38).

No. 9639.—The following notifications by the Government of India, Department of Labour, are republished :—

No. L.-3068, dated, Simla, the 4th July, 1940.

In exercise of the powers conferred by clause (k) of sub-section (2) of section 7 read with section 24 of the Payment of Wages Act, 1936, the Central Government is pleased to declare in relation to Federal Railways mines and Oil-fields the British War Savings Movement to be an approved War Savings Scheme for the purposes of the said clause.

No. L.-3070, dated Simla, the 4th July 1940.

In pursuance of clause (e) of sub-section (2) of section 7, read with section 24, of the Payment of Wages Act, 1936 (IV of 1936), the Central Government is pleased to authorise the following as amenities and services for which deductions from the Wages of persons employed by a Federal Railway administration may be made, subject to the conditions that such amenities and services are provided to employees by the administration at their written request namely :—

- (i) supply of stamps on service agreements,
- (ii) supply of uniforms when such supply is made in the form of additions to normal free issues or to replace uniforms lost by the employee or uniforms which have

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become unserviceable before the expiry of their normal life and

- (iii) Supply and repairs of Watches.  
(—Vide G. of B. Gaz. Part IV-C.P. 923-24 of 18-7-40).

The<sup>1</sup> Government of Bombay is pleased to declare the "British War Savings Movement" and the "Savings Group Scheme" approved by the Bombay Provincial Committee for encouraging support of the Government of India, Defence Loans, to be approved War Savings Scheme for the purposes of the said Clause. (Clause (k) of sub-section 2 of section 7).  
(—Vide G. of B. Gaz. Part IV-C P. 1193 of 15-8-40).

The<sup>2</sup> Central Government is pleased to declare in relation to the Federal Railways, Mines and Oil Fields, any War Savings Scheme conducted by the British War Savings Movement to be an approved War Savings Scheme for the purposes of the said Clause. (Clause (k) of sub-section 2 of section 7).  
(—Vide G. of B. Gaz. Part IV-C P. 1246 of 15-8-40).

The<sup>3</sup> Central Government is pleased to authorise the supply of one anna Revenue Stamps for obtaining receipts for payment of sums exceeding Rs. 20, as a service for which deduction from wages of persons employed by Federation Railway Administration, may be made. (See clause (e) of sub-section 2 of section 7 read with section 24).  
(—Vide G. of B. Gaz. Part IV-C.P. 1630 of 10-10-40).

No. 9639.—In exercise of the powers conferred by clause (k) of sub-section (2) of section 7 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to declare all Savings Card Schemes which enable the purchase of Defence Savings Certificates in exchange for Defence Savings stamps to be approved war savings schemes for the purpose of the said clause.  
(—Vide G. of B. Gaz. Part IV-A P. 1012 of 17-10-1940).

The<sup>4</sup> Central Government is pleased to authorise the supply of Diet in emergencies as a service for which deductions from wages of persons employed by Federal Railway Administration may be made, subject to the condition that the service is provided to employees by the Administration at their written request. (See clause (e) of sub-section 2 of section 7 read with section 24).  
(—Vide G. of B. Gaz. Part IV-C P. 1755 of 21-11-40).

The<sup>5</sup> Central Government is pleased to approve, for the purposes of the said clause all War Savings Schemes which are administered by the Railway Administrations of Federal Railways and which enable persons employed on such Railways to purchase any of the following securities of the Government of India, namely :—

- (i) The Government of India Defence Bonds,
- (ii) The Post Office Ten Year Defence Saving Certificate.

(Clause (k) of section 2 read with section 7.)

(—Vide G. of B. Gaz. Part IV-C P. 1797 of 5-12-40).

In<sup>6</sup> exercise of the powers conferred by sub-section 1 of section 124 of the Government of India Act 1935, and in amplification of the Notification of the Government of India in the Department of Labour, No. M-1268 dated the 13th August 1940, the Central Government is pleased to entrust the Provincial Government of Bombay, with the consent of that Government the function of the Central Government under the Payment of Wages Act, 1936 (IV of 1936) in relation to Mines which are declared by the Government of Bombay to be factories under section 5 of the Factories Act, 1934 (XXV of 1934) and are not subject to the operation of the Indian Mines Act, 1923 (IV of 1923).

(—Vide G. of B. Gaz. Part IV-C P. 1121 of 14-8-41).

The<sup>7</sup> Government of Bombay is pleased to declare all War Savings Schemes which are administered by the Administration of His Exalted Highness the Nizam State Railway and which enable persons employed on that Railway to purchase any of the following securities of the Government of India, namely :—

- (i) the Government of India Defence Bonds,
- (ii) the Post Office Ten Year Defence Savings Certificate to be approved War Savings Schemes for the purposes of the said clause, in respect of the Staff employed on the Tarur-Manmad section of His Exalted Highness the Nizam State Railway situated in the Province of Bombay.

(Clause (k) of sub-section 2 of section 7).

(—Vide G. of B. Gaz. Part IV-A P. 230 of 9-10-41).

No. 3917/34-I.—In exercise of the functions of the Central Government under sub-section (5) of section 1, read with section 24, of the Payment of Wages Act, 1936 (IV of 1936), entrusted to the Government of Bombay by the notification of the Government of India in the Department of Labour, No. M. 1268, dated, the 6th August 1941 in relation to mines which are declared by the Government of Bombay to be factories under Section 5 of the Factories Act, 1934 (XXV of 1934), and are not subject to the operation of the Indian Mines Act, 1923, (IV of 1923),

# LABOUR AND FACTORY LEGISLATION

the Government of Bombay is pleased to give notice of its intention to extend with effect from the 1st day of May 1942 the provisions of section 2, 3, 4, 5, 6, 14 to 23 (both inclusive) and 26 of the said Payment of Wages Act, 1936 (IV of 1936), to the payment of Wages to all classes of persons employed in the said Mines.

(—Vide G. of B. Gaz. Part IV-A P. 59 of 22-1-42).

No. 3717/34.—II.—In exercise of the powers conferred by sub-section (5) of section 1 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to give notice of its intention to extend with effect from the 1st day of May 1942 the provisions of sections 2, 14, 23 and 26 of the said Act to the Payment of Wages to all classes of persons employed in those industrial establishments or classes of industrial establishments which have been or may be declared to be factories under section 5 of the Factories Act, 1934 (XXV of 1934), for all or any of the purposes of that Act.

(—Vide G. of B. Gaz. Part IV-A P. 59 of 22-1-1942).

No. L-3070,<sup>1</sup> dated New Delhi, the 26th May 1942.

In pursuance of clause (e) of sub-section (2) of section 7 read with section 24 of the Payment of Wages Act, 1936 (IV of 1936), the Central Government is pleased to authorize the supply of food grains by a Federal Railway Administration from a grain shop or store operated by it to its employees for their private use and at their will upto the maximum of 50 per cent of their wages, as an amenity for which deductions from the wages of such persons may be made.

(—Vide G. of B. Gaz. Part IV-C P. 1320 of 11-6-42).

Clause (a) of Order No. 9639-B(1), dated the 3rd March, 1937

No. 6378/34 (1)—For the purpose of paragraph (a) of clause (vi) of section 2 of the Payment of Wages Act, 1936 (IV of 1936), and in supersession of Government Orders in the Political and Services Department, specified above the Government of Bombay is pleased to exclude, in the case of all factories situated in the Province of Bombay, the value of the difference between the price paid by employees to their employer for foodgrains, cloth, kerosene and other articles commonly used by them and the market price of such articles from the definition of the term "wages".

(14th October, 1943).

No. 6378/34 (2).—In pursuance of clause (e) of sub-section (2) of section 7, read with section 11, of the Payment of Wages Act, 1936, (IV of 1936), and in supersession of Government Orders in the Political and Services Department specified in the

above notification, the Government of Bombay is pleased to authorise, subject to the following conditions, the supply by an employer to his employees of foodgrains, cloth, kerosene and other articles commonly used by them from a grain shop or store operated by him for their private use and at their will as an amenity for which deductions from the wages of such persons may be made, namely :—

(1) The employer shall not charge any rent for the shop or store.

(2) The shop or store shall not be conducted for the purpose of profit.

(3) The selling prices of all articles shall be displayed in a conspicuous place in the shop or store.

(4) The shop or store shall always be kept in a clean condition.

(5) An Inspector shall be given a right of entry and of inspection of the articles, records and premises and a right to take samples of the articles kept in the shop or store.

(14th October, 1943).

No. 6378/34.<sup>s</sup>—In Government Notification, Political and Services Department No. 6378/34 (1) dated the 12th October 1943, for the words and figure “clause (a) of Order No. 9639-B (1), dated the 3rd March, 1937” quoted in the margin the following words and figures shall be substituted :—

“Political and Services Department, Order No. 1961/34 dated the 9th October, 1942 and Political and Services Department Order No. 3829/34 (a), dated 21st October, 1942.”

In Government Notification, Political and Services Department, No. 6378/34 (2), dated the 12th October, 1943, for the words and figures “clause (a) of Order No. 9639-B (1), dated the 3rd March, 1937” quoted in the margin the following words and figures shall be substituted—

“Clause (a) of Political and Reforms Department Order No. 9639-B (1), of the 3rd May, 1937, Political and Services Department Order No. 6378/34-E dated the 9th October 1942 and Political and Services Department Order No. 3829/34-B, dated the 21st October, 1942.”

(—Vide G. of B. Gaz. IV-A. P. 149 of 18-11-43.)

In exercise of the powers conferred by sub-section 5 of section 1 of the Payment of Wages Act 1936, (IV of 1936) the Governor of Bombay is pleased to give 3 months notice of its intention to extend by notification in the Bombay Government Gazette the provisions of the said Act, to the Payment of Wages, to the class of persons employed in all making industrial establishments in the Province of Bombay.

(—Vide G. of B. Gaz. Part IV-A P. 23 of 2-3-1944).

# LABOUR AND FACTORY LEGISLATION

No. L.-3070 dated 29th March, 1944.

In pursuance of clause (e) of sub-section 2 of section 7, read with section 24 of the Payment of Wages Act 1936 (IV of 1936), the Central Government is pleased to authorize the sale of books for the supply of refreshments in exchange thereof, by railway administration from its Canteen to its employees at their written request as an amenity for which deductions from the Wages of persons employed by a railway administration may be made.

(—Vide G. of B. Gaz. Part IV-C. P. 294 of 27-4-44).

## Trade Disputes Act, 1929.

### INDIA ACT NO. VII OF 1929.<sup>1</sup>

*An Act to make provision for the investigation and settlement of trade disputes, and for certain other purposes.*

WHEREAS it is expedient to make provision for the investigation and settlement of trade disputes, and for certain other purposes hereinafter appearing; It is hereby enacted as follows:—

Short title, extent, commencement and duration.

1. (1) This Act may be called the Trade Disputes Act, 1929.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on such date<sup>2</sup> as the<sup>3</sup> [Central Government] may, by notification in the<sup>4</sup> [Official Gazette], appoint.

### Interpretations.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Board" means a Board of Conciliation constituted under this Act;

<sup>1</sup> For Statement of Objects and Reasons, see "Gazette of India", 1928, Pt. V, p. 150 and for Report of Select Committee, see *ibid.*, 1929, Pt. V, p. 95.

<sup>2</sup> This Act was brought into force on the 8th May 1929, see "Gazette of India", Extraordinary, dated the 8th May 1929.

<sup>3</sup> These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>4</sup> These words were substituted for the words "Gazette of India", *ibid.*

<sup>5</sup> Sub-section (4) of section 1 was omitted by s. 2 of the Trade Disputes (Extending) Act, 1931 (XIII of 1931).

- (b) "Court" means a Court of Inquiry constituted under this Act ;
- (c) "employer," in the case of any industry, business or undertaking carried on by any department of <sup>1</sup>[any Government in British India], means the authority prescribed in this behalf or, where no authority is prescribed, the head of the department;  
<sup>2</sup>[(cc) 'Federal Railway has the same meaning as in the Government of India Act, 1935.]
- (d) a person shall be deemed to be "independent" for the purpose of his appointment as the chairman or other member of a Court or a Board if he is unconnected with the dispute with reference to which the Court or the Board is appointed and with any trade or industry directly affected by the dispute ;
- (e) "lock-out" means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him, where such closing, suspension or refusal occurs in consequence of a dispute and is intended for the purpose of compelling those persons, or of aiding another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment ;
- (f) "prescribed" means prescribed by rules made under this Act ;
- (g) "public utility service" means—
  - (i) any railway service which <sup>3</sup>[in the case of a Federal Railway, the Central Government, and in the case of any other railway, the Provincial Government] may, by notification in the <sup>4</sup>[*Official Gazette*], declare to be a public utility service for the purposes of this Act ; or

<sup>1</sup> These words were substituted for the words "the Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> This clause was inserted, *ibid.*

<sup>3</sup> These words were substituted for the words "the Governor General in Council", *ibid.*

<sup>4</sup> These words were substituted for the words "Gazette of India", *ibid.*

- <sup>1</sup>[(*ia*) any water transport service carrying passengers to whose vessels any of the provisions of the Inland Steam vessels Act, 1917, apply or tramway service, if the Provincial Government by notification in the *Official Gazette*, declares the water transport or tramway service, as the case may be, to be a public utility service for the purposes of this Act, or] ;
- (*ii*) any postal, telegraph or telephone service ; or
- (*iii*) any industry, business or undertaking which supplies <sup>2</sup>[power] light or water to the public ; or
- (*iv*) any system of public conservancy or sanitation ;
- (*h*) "railway company" means a railway company as defined in Section 3 of the Indian Railways Act, 1890 ;
- (*i*) "strike" means a cessation of work by a body of persons employed in any trade or industry acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment ;
- (*j*) "trade dispute" means any dispute or difference <sup>3</sup>[between employers and employers or] between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of the employment or with the conditions of labour, of any person ; and
- (*k*) "workman" means any person employed in any trade or industry to do any skilled or unskilled manual or clerical work for hire or reward <sup>3</sup>[and includes for the purposes of any proceedings under this Act in relation to a trade dispute a workman

<sup>1</sup> This sub-clause was inserted by s. 2 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

<sup>2</sup> This word was inserted by s. 2 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

<sup>3</sup> These words were inserted, *ibid.*



discharged during that dispute], but does not include any person employed in the naval, military or air service of the Crown \* \*<sup>1</sup>.

## REFERENCE OF DISPUTES TO COURTS AND BOARDS.

### Reference of disputes to Courts or Boards.

3. If any trade dispute exists or is apprehended \*<sup>2</sup>, the <sup>3</sup>[Provincial Government] or, where <sup>4</sup>[an employer concerned] is the head of a department under the control of the <sup>5</sup>[Central Government] <sup>6</sup>[or is the Federal Railway Authority or a railway company operating a Federal Railway], the <sup>5</sup>[Central Government] may, by order in writing,—

- (a) refer any matters appearing to be connected with or relevant to the dispute to a Court of Inquiry to be appointed by the <sup>3</sup>[Provincial Government] or the <sup>5</sup>[Central Government], as the case may be; or
- (b) refer the dispute to a Board of Conciliation to be appointed by the <sup>3</sup>[Provincial Government] or the <sup>5</sup>[Central Government], as the case may be, for promoting a settlement thereof:

Provided that, where both parties to the dispute apply, whether separately or conjointly, for a reference to a Court, or where both parties apply, whether separately or conjointly, for a reference to a Board, and the authority having the power to appoint is satisfied that the persons applying represent the majority of each party, a Court or a Board, as the case may be, shall be appointed accordingly.

## COURTS OF INQUIRY.

### Constitution of Courts.

4. (1) A Court shall consist of an independent chairman and such other independent persons as the appointing

<sup>1</sup> The words "or in the Royal Indian Marine Service" were repealed by s. 3 and Sch. II of the Repealing and Amending Act, 1937 (XX of 1937).

<sup>2</sup> The words "between an employer and any of his workmen" were omitted by s. 3 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

<sup>3</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>4</sup> These words were substituted for the words "the employer" by s. 3 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

<sup>5</sup> These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>6</sup> These words were substituted for the words "or is a railway company", *ibid.*

authority thinks fit, or may, if such authority thinks fit, consist of one independent person.

<sup>1</sup>[(2) A Court, having the prescribed quorum, may act notwithstanding the absence of the chairman or any of its members or any vacancies in its number :

Provided that if the appointing authority notifies the Court that the services of the chairman have ceased to be available the Court shall not act until a new chairman has been appointed.]

### **Duties of Courts.**

5. (1) A Court shall, either in public or in private, at its discretion, inquire into the matters referred to it and report thereon to the authority by which the Court was appointed.

(2) A Court may, if it thinks fit, make interim reports.

## **BOARDS OF CONCILIATION.**

### **Constitution of Boards.**

6. (1) A Board shall consist of a chairman and two or four other members, as the appointing authority thinks fit, or may, if such authority thinks fit, consist of one independent person.

(2) Where the Board consists of more than one person, the chairman shall be an independent person and the other members shall be either independent persons or persons appointed in equal numbers to represent the parties to the dispute ; all persons appointed to represent any party shall be appointed on the recommendation of that party :

Provided that, if any party fails to make the necessary recommendation within the prescribed time, the appointing authority shall select and appoint such persons as it thinks fit to represent that party.

<sup>2</sup>[(3) A Board, having the prescribed quorum, may act notwithstanding the absence of the chairman or any of its members or any vacancy in its number :

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<sup>1</sup> This sub-section was substituted by s. 4 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

<sup>2</sup> This sub-section was substituted by s. 5, *ibid.*

Provided that if the appointing authority notifies the Board that the services of the chairman or where the Board includes an equal number of persons representing the parties to the dispute the services of any such person have ceased to be available the Board shall not act until a new chairman or member, as the case may be, has been appointed.]

#### **Duties of Boards.**

7. (1) Where a dispute has been referred to a Board under this Act, it shall be the duty of the Board to endeavour to bring about a settlement of the same, and for this purpose the Board shall, in such manner as it thinks fit and without delay, investigate the dispute and all matters affecting the merits thereof and the right settlement thereof, and in so doing may do all such things as it thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute, and may adjourn the proceedings for any period sufficient in its opinion to allow the parties to agree upon terms of settlement.

(2) If a settlement of a dispute is arrived at by the parties thereto after it has been referred to a Board and during the course of the investigation thereof, a memorandum of the settlement shall be drawn up by the Board and signed by the parties, and the Board shall send a report of the settlement, together with the memorandum to the authority by which the Board was appointed.

(3) If no such settlement is arrived at during the course of the investigation, the Board shall, as soon as possible after the close thereof, send a full report regarding the dispute to the authority by which the Board was appointed, setting forth the proceedings and steps taken by the Board for the purpose of ascertaining the facts and circumstances relating to the dispute and of bringing about a settlement thereof, together with a full statement of such facts and circumstances and its findings thereon and the recommendation of the Board for the determination of the dispute.

(4) The recommendation of the Board shall deal with

each item of the dispute, and shall state in plain language what in the opinion of the Board ought and ought not to be done by the respective parties concerned.

### GENERAL.

#### Finality of orders constituting a Court or Board.

8. No order of the <sup>1</sup>[Central Government] or of a <sup>2</sup>[Provincial Government] appointing any person as a member of a Court or a Board shall be called in question in any manner.

#### Procedure and powers.

9. (1) Courts and Boards shall, subject to the provisions of this Act, follow such procedure as may be prescribed.

(2) Courts and Boards shall have the same powers as are vested in Courts under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters :

- (a) enforcing the attendance of any person and examining him on oath ;
- (b) compelling the production of documents and material objects ; and
- (c) issuing commissions for the examination of witnesses ; and shall have such further powers as may be prescribed ; and every inquiry or investigation by a Court or Board shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code.

#### Filling of vacancies.

10. (1) If the services of the chairman or of any other independent member of a Court or Board cease to be available at any time for the purposes of the Court or Board, the appointing authority shall in the case of a chairman, and may in the case of any other member, appoint another independent person to fill the vacancy, and

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<sup>1</sup> These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "Local Government", *ibid.*

the proceedings shall be continued before the Court or Board so re-constituted.

(2) Where the Court or Board consists of one person only and his services cease to be available as aforesaid, the appointing authority shall appoint another independent person in his place, and the proceedings shall be continued before the person so appointed.

<sup>1</sup>[(3) Where a Board includes an equal number of persons representing the parties to the dispute, and the services of any such person have ceased to be available as aforesaid, the appointing authority shall appoint in the manner specified in sub-section (2) of Section 6 another person to take his place, and the proceedings shall be continued before the Board so reconstituted.]

#### **Form of report.**

11. The report of a Court or Board shall be in writing and shall be signed by all the members of the Court or Board :

Provided that nothing in this Section shall be deemed to prevent any member of a Court or Board from recording a minute of dissent from a report or from any recommendation made therein.

#### **Publication of results of inquiry.**

12. (1) The final and any interim report of a Court or Board, together with any minute of dissent recorded therewith, shall, as soon as possible after its receipt by the authority by which the Court or Board was appointed, be published by that authority in such manner as it thinks fit.

(2) The said authority may publish or cause to be published from time to time, in such manner as such authority thinks fit, any information obtained, or conclusions arrived at, by the Court or Board as the result or in the course of its inquiry or investigation.

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<sup>1</sup> This sub-section was added by s. 6 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

Certain matters to be kept confidential.

13. (1). Notwithstanding anything contained in Section 12, there shall not be included in any report or publication made or authorised by a Court or Board or the authority appointing a Court or Board any information obtained by the Court or Board in the course of its inquiry or investigation as to any Trade Union or as to any individual business (whether carried on by a person, firm or company) which is not available otherwise than through evidence given before the Court or Board, <sup>1</sup>[if the Trade Union, person, firm or company in question has preferred a request to the Court or Board that such information shall be treated as confidential] nor shall any individual member of the Court or Board or any person concerned in the proceedings before it disclose any such information <sup>2</sup>[without the consent in writing of the Secretary of the Trade Union or the person, firm or company in question, as the case may be].

(2) If any member of a Court or Board or any person present at or concerned in the proceedings before a Court or Board <sup>3</sup>[wilfully] discloses any information in contravention of the provisions of sub-section (1), he shall, on complaint made by or under the authority of the Trade Union or individual business affected be punishable with fine which may extend to one thousand rupees :

Provided that nothing in this sub-section shall apply to the disclosure of any such information for the purposes of a prosecution under section 193 of the Indian Penal Code.

<sup>4</sup>[(3) No Criminal Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this section.

(4) No Criminal Court shall take cognizance of any offence under this section except with the previous sanction of the authority appointing such Court or Board ; and no

<sup>1</sup> These words were substituted for the words " except with the consent in writing of the Secretary of the Trade Union or of the person, firm or company in question," by s. 2 of the Trade Disputes (Amendment) Act, 1932 (XIX of 1932).

<sup>2</sup> These words were substituted for the words " without such consent", by s. 2 of the Trade Disputes (Amendment) Act, 1932 (XIX of 1932).

<sup>3</sup> This word was inserted, *ibid.*

<sup>4</sup> Sub-sections (3) and (4) were inserted, *ibid.*

Civil Court shall without the like sanction entertain any suit against a member of a Court or Board, or any person present at or concerned in the proceedings before a Court or Board, for any matter arising out of such proceedings.]

**Representation of parties.**

14. Subject to such conditions and restrictions as may be prescribed, any party to a dispute under inquiry or investigation by a Court or Board shall be entitled to be represented before the Court or Board by a legal practitioner.

**SPECIAL PROVISION REGARDING PUBLIC UTILITY SERVICES.**

**Sudden strikes and lock-outs in utility services.**

15. (1) Any person who, being employed in a public utility service, goes on strike in breach of contract without having given to his employer, within one month before so striking, not less than fourteen days' previous notice in writing of his intention to go on strike or, having given such notice, goes on strike before the expiry thereof, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

(2) Any employer carrying on any public utility service who locks out <sup>1</sup>[any of his workmen] in breach of contract without having given them, within one month before such lock-out, not less than fourteen days' notice in writing of his intention to lock them out, or, having given such notice, locks them out before the expiry thereof, shall be <sup>2</sup>[punishable with] imprisonment which may extend to one month, or <sup>3</sup>[with fine] which may extend to one thousand rupees, or with both.

<sup>4</sup>[(2A) If on any day an employer receives from any persons employed by him any such notices as are referred to in sub-section (1) or gives to any person employed by

<sup>1</sup> These words were substituted for the words "his workmen" by s. 7 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

<sup>2</sup> These words were substituted for the words "liable to", *ibid.*

<sup>3</sup> These words were substituted for the words "to a fine", *ibid.*

<sup>4</sup> This sub-section was inserted, *ibid.*

him any such notices as are referred to in sub-section (2), he shall within five days report to the Provincial Government or such authority as the Provincial Government may prescribe the number of such notices received or given on that day, and, if he fails to do so, he shall be punishable with fine which may extend to five hundred rupees].

(3) Where the employer committing an offence <sup>1</sup>[under sub-section (2) or sub-section (2A)] is a corporation, company or other association of persons, any secretary, director or other officer or person concerned with the management thereof shall be punishable as therein provided unless he proves that the offence was committed without his knowledge or without his consent.

<sup>2</sup>[(4) No Court shall take cognisance of any offence under this section or of the abetment of any such offence save on complaint made by or under authority from the Central Government where the public utility service in question is a railway service connected with a Federal Railway or a postal, telegraph or telephone service and the Provincial Government in other cases.]

(5) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this section.

### SPECIAL PROVISIONS FOR ILLEGAL STRIKES AND LOCK-OUTS.

#### Illegal strikes and lock-outs.

16. (1) A strike or a lock-out shall be illegal which—
- (a) has any object other than <sup>3</sup>[or in addition to] the furtherance of a trade dispute within the trade or industry in which the strikers or employers locking out are engaged ; and
  - (b) is designed or calculated to inflict severe, <sup>4</sup>[and

<sup>1</sup> These words, brackets and figures were substituted for the words, brackets and figure, "under sub-section (2)", *ibid.*

<sup>2</sup> This sub-section was substituted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>3</sup> These words were inserted by s. 8 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

<sup>4</sup> These words were substituted for the words "general and prolonged", *ibid.*



general] hardship upon the community and thereby to compel <sup>1</sup>[any Government in British India, the Federal Railway Authority or the Crown Representative] to take or abstain from taking any particular course of action.

(2) It shall be illegal to commence or continue, or to apply any sums in direct furtherance or support of any such illegal strike or lock-out.

(3) For the purposes of this section—

(a) a trade dispute shall not be deemed to be within a trade or industry unless it is a dispute between employers and workmen, or between workmen and workmen, in that trade or industry, which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour, of persons in that trade or industry ;

(b) without prejudice to the generality of the expression "trade or industry," workmen shall be deemed to be within the same trade or industry if their wages or conditions of employment are determined in accordance with agreements made with the same employer or group of employers.

(4) A strike or a lock-out shall not be deemed to be calculated to compel <sup>2</sup>[any Government in British India, the Federal Railway Authority or the Crown Representative] unless such compulsion might reasonably be expected as a consequence thereof.

**Penalty.**

17. (1) If any person <sup>3</sup>[commences, continues,] instigates, incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out which is illegal under the provisions of section 16, he shall be punishable with simple imprisonment which may extend to three months,

<sup>1</sup> These words were substituted for the words "the Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "the Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>3</sup> These words were substituted for the word "declares" by s. 9 of the Trade Disputes (Amendment) Act, 1938 (XVII of 1938).

or with fine which may extend to two hundred rupees, or with both :

Provided that no person shall be deemed to have committed an offence under this section by reason only of his having ceased work or refused to continue to work or to accept employment.

(2) No Court shall take cognisance of any offence under this section save on complaint made by, or under authority from, <sup>1</sup>[the appropriate Government].

<sup>2</sup>[In this sub-section "the appropriate Government" means—

(a) in relation to industries, businesses and undertakings carried on by the Central Government or by the Federal Railway Authority or by a railway company operating a Federal Railway, the Central Government ; and

(b) in other cases, the Provincial Government.]

(3) No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this section.

#### **Protection of persons withholding from illegal strike or lock-out.**

18. (1) No person refusing to take part, or to continue to take part, in any strike or lock-out which is illegal under the provisions of section 16 shall, by reason of such refusal or by reason of any action taken by him under this section, be subject to expulsion from any trade union or society, or to any fine or penalty, or to deprivation of any right or benefit to which he or his legal representatives would otherwise be entitled, or be liable to be placed in any respect, either directly or indirectly, under any disability or at any disadvantage as compared with other members of the union or society, anything to the contrary in the rules of a trade union or society notwithstanding.

(2) Nothing in the rules of a trade union or society requiring the settlement of disputes in any manner shall

<sup>1</sup> These words were substituted for the words "the Governor General in Council or the Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were inserted, *ibid*.

apply to any proceeding for enforcing any right or exemption secured by this section, and in any such proceeding the Civil Court may, in lieu of ordering a person who has been expelled from membership of a trade union or society to be restored to membership, order that he be paid out of the funds of the trade union or society such sum by way of compensation or damages as that Court thinks just.

# **1CONCILIATION OFFICERS.**

## **Appointment of Conciliation Officers.**

**18A.** (1) The Central Government, in respect of industries, businesses and undertakings carried on by them or under their authority or by a railway company, and the Provincial Government, in respect of other businesses, industries or undertakings within their Province, may, by notification in the official Gazette, appoint officers, herein referred to as conciliation officers, charged with the duty of mediating in or promoting the settlement of trade disputes.

(2) A conciliation officer may be appointed for a specified area or for specified businesses, industries or undertakings in a specified area or for one or more specified businesses, industries or undertakings and either permanently or for a limited period.

(3) A conciliation officer may, for the purposes of inquiring into an existing or apprehended trade dispute after giving reasonable notice, enter the premises occupied by any industry, business or undertaking and may call for and inspect any document which he has ground for considering to be relevant to the trade dispute, and for the purposes of any such inquiry shall be deemed to be a public servant within the meaning of the Indian Penal Code.

(4) If any person supplying information or producing a document to a conciliation officer requests in writing that the information or the document or any part thereof shall be treated as confidential the conciliation officer shall not

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<sup>1</sup> This heading and section were inserted by s. 10 of the Trade Disputes (Amendment) Act 1938 (XVII of 1938).

disclose such information or the contents of such document or part thereof except to—

- (a) the authority which appointed him to be a conciliation officer ; or
- (b) the parties concerned in the dispute for the purpose of mediating therein or promoting the settlement thereof.

(5) If the conciliation officer contravenes the provisions of sub-section (4), he shall be punishable with fine which may extend to one hundred rupees.

(6) No Criminal Court shall take cognizance of an offence under this section except with the previous sanction of the authority appointing the conciliation officer ; and no Civil Court shall without the like sanction entertain any suit against a conciliation officer in respect of the disclosure of any information or the contents of any document or part thereof of the nature referred to in sub-section (4).]

## RULES.

### Power to make rules.

19. (1) The <sup>1</sup>[Central Government] in respect of industries, businesses and undertaking carried on by <sup>2</sup>[it] or under <sup>3</sup>[its] authority, <sup>4</sup>[or by the Federal Railway Authority or a railway company operating a Federal Railway,] and the <sup>5</sup>[Provincial Governments] in respect of other businesses, industries or undertakings within their respective provinces, may make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the powers and procedure of Courts and Boards, including rules as to the summoning of witnesses, the production of documents relevant to the sub-

<sup>1</sup> These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> This word was substituted for the word "him" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>3</sup> This word was substituted for the word "his", *ibid.*

<sup>4</sup> These words were substituted for the words "or by a railway company", *ibid.*

<sup>5</sup> These words were substituted for the words "Local Government", *ibid.*

- ject-matter of an inquiry or investigation and the number of members necessary to form a quorum ;
  - (b) the allowances admissible to members of Courts and Boards and to witnesses ;
  - (c) the ministerial establishment which may be allotted to a Court or Board and the salaries and allowances payable to members of such establishments ;
  - (d) the conditions and restrictions subject to which persons may be represented by legal practitioners in proceedings under this Act before a Court or Board ;
  - (e) any other matter which is to be or may be prescribed.
- (3) All rules made under this section shall be published in the <sup>1</sup>[Official Gazette] <sup>2</sup>[\* \* \*] and shall, on such publication, have effect as if enacted in this Act.

## Trade Disputes Act, 1929

### BOMBAY TRADE DISPUTE RULES, 1930

BOMBAY CASTLE, 25th AUGUST 1930

No. 7255.—In exercise of the powers conferred by section 19 of the Trade Disputes Act, 1929 (VII of 1929), and in supersession of Government Notifications in the General Department, No. 7511, dated the 11th May 1929, and No. 7511, dated the 23rd July 1929, the Governor in Council is pleased to make the following rules for the purpose of giving effect to the provisions of the said Act in respect of businesses, industries or undertakings within the Bombay Presidency, namely :—

#### PRELIMINARY.

##### Short title

1. These rules may be called the Bombay Trade Disputes Rules, 1930.

##### Definitions

2. In these rules, unless there is anything repugnant in the subject or context,—

(a) “Act” means the Trade Disputes Act, 1929 ;

<sup>1</sup> These words were substituted for the words “Gazette of India”, *ibid.*

<sup>2</sup> The words “or the local official Gazette, as the case may be” were omitted, *ibid.*

- (b) "Chairman" means the chairman of a Court or Board, or, if the Court or Board consists of one person only, such person ;
- (c) "Form" means a form appended to these rules ;
- (d) "Registered Trade Union" means a Trade Union registered under the Indian Trade Unions Act, 1926 ;
- (e) "Registrar" means the Registrar of Trade Unions for the Bombay Presidency appointed under section 3 of the Indian Trade Unions Act, 1926 ;
- (f) "Section" means a section of the Act.

### PART I

#### PROCEDURE FOR REFERENCE OF TRADE DISPUTES TO COURTS OF INQUIRY OR BOARDS OF CONCILIATION.

##### Application

3. An application for the reference of a trade dispute to a Court or a Board shall be made in Form "A" and shall be forwarded by registered post to the Registrar in triplicate. The application shall also be accompanied by a statement in triplicate, setting forth :—

- (a) the names and addresses of the parties to the dispute ;
- (b) the nature and cause of the dispute, including any demands made by either party on the other to which exception is taken by the opposite party ;
- (c) an estimate of the number of persons affected or likely to be affected by the dispute ;
- (d) the efforts made by the parties themselves to adjust the dispute ; and
- (e) in the case of an application for the appointment of a Court, the specific matters on which an enquiry by a Court is desired.

##### Application by whom signed

4. The application and the statement accompanying it shall be signed :—

- (a) (i) in the case where the party applying is an employer, by the employer himself, or
- (ii) where such party is an incorporated company or other body corporate, by the Agent, Manager or other principal officer of the corporation, or
- (iii) where such party is an association of employers, by the Secretary of such association ;
- (b) in the case of employees—
  - (i) where the employees are members of a registered trade union, by two of the officers of the union

duly authorised in this behalf in writing or in such other manner as may be found suitable by a majority of the members of the union who are affected ;

- (ii) where any or all of the employees are not members of a registered trade union, by not less than ten of the employees concerned duly authorised in this behalf in writing or in such other manner as may be found suitable by the majority of the employees.

**Order of the appointing authority**

5. An order of the Provincial Government appointing a Court or Board shall be in Form " B " or " C ", as the case may be.

**Notice to Parties to nominate Representatives**

6. (1) If the Provincial Government proposes to appoint a Board consisting partly of representatives of the parties to the dispute, it shall, unless the party or parties has or have already nominated <sup>its</sup><sub>their</sub> representatives in the application in Form " A " cause a notice in Form " D " to be sent to the parties to nominate persons to represent them on the Board ;

(2) the notice shall,—

- (i) in the case of an employer, be sent to the employer himself, or when the employer is an incorporated company or other body corporate, to the Agent, Manager or other principal officer of the corporation, or when it is an association of employers, to the Secretary of such association ;
- (ii) in the case of employees who are members of a registered trade union, be sent to the Secretary of the union addressed to the registered head office of the union ;
- (iii) in the case of employees any or all of whom are not members of a registered trade union, be served on any two of the signatories to the application under sub-clause (ii) of clause (b) of rule 4, or if service on the signatories is not practicable, be served by affixing a copy thereof in English as well as in the Vernacular of a predominant number of the employees in some conspicuous place at or near the place where the employees work or where a majority of them reside, or by advertisement in one or more suitable newspapers.

**Notification of Appointment of Court or Board**

7. As soon as possible after a Court or Board is appointed, the Registrar shall notify the parties of the appointment by forwarding to them a copy of the order, in Form " B " or " C " as

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the case may be. Such notice shall be sent by registered post. The appointment of a Court or Board together with the names of persons constituting the Court or Board shall also be notified in the Bombay Government Gazette.

## PART II

### POWERS AND PROCEDURE OF COURTS AND BOARDS

#### Place and time of hearing

8. The sittings of the Court or Board shall be held at such time and place as are from time to time fixed by the Chairman, and the parties shall be notified by the Chairman in such manner as he may deem necessary as to the time and place at which sittings are to be held : Provided that, as far as practicable, the Court or Board shall sit in the locality within which the subject-matter of the proceeding before it arose.

#### Quorum

9. The quorum necessary to constitute a sitting of a Court or Board shall be as follows :—

(1) In the case of a Court—

Where the number of members is 2	Quorum	1
Where the number of members is more than 2	..	2
but less than 5	..	3
Where the number of members is 5 or more	..	2

(2) In the case of a Board—

Where the number of members is 3	..	3
Where the number of members is 5	..	3

#### Administration of Oath

10. Any member of a Court or Board may administer an oath.

#### Evidence

11. The Court or Board may accept, admit or call for any evidence at any stage and in any manner which in equity and good conscience it thinks fit.

#### Summons

12. A summons issued by the Court or Board to a witness shall be in Form "E" and to the parties in Form "F".

#### Service of Summons, Notice, etc.

13. Any notice, summons, process or order issued by the Court or Board may be served in the following manner :—

- it may be sent by registered post ; or
- if such notice, summons, process or order is to be served within the local limits of the jurisdiction of the



- Court of Small Causes of Bombay, it may be sent to the Registrar of that Court for service ; and the Registrar shall, on receipt thereof, proceed as if it had been issued by the Court of Small Causes of Bombay, and shall then return the same to the Court or Board together with the record (if any) of the proceedings with regard thereto. In all other cases the notice, summons, process or order may be served through a competent civil court, which shall deal with it in the same manner as the Registrar of the Court of Small Causes of Bombay.
- (c) The provisions of rule 6 shall, so far as may be, apply to the service of any such summons, notice, process or order.

**Procedure at the first sitting**

14. At the first sitting of the Court or Board the Chairman shall call upon the parties in such order as he may think fit to state their case.

**Information to be kept confidential**

15. All books, papers and other documents or things produced before a  $\frac{\text{Court}}{\text{Board}}$  whether voluntarily or in pursuance of a summons may be inspected by the  $\frac{\text{Court}}{\text{Board}}$  and also by such parties as the  $\frac{\text{Court}}{\text{Board}}$  allows ; but the information obtained therefrom shall not, except as provided in the Act, be made public; such parts of the books, papers, documents or things as in the opinion of the  $\frac{\text{Court}}{\text{Board}}$  do not relate to the matters at issue may be sealed up.

**Conduct of Proceedings of a Board**

16. The proceedings of a Board may be conducted in private if the Board so decides.

**Court or Board may proceed ex parte**

17. If without good cause shown any party to proceedings before the Court or Board fails to attend or to be represented, the Court or Board may proceed as if he had duly attended or had been represented.

**Power of Entry and Inspection**

18. A Court or Board or any member thereof or any other person authorised in writing by a Court or Board may, for the purposes of any inquiry or investigation entrusted to the Court or Board under the Act; at any time between the hours of sunrise and sunset, enter any building, factory, workshop or other place or premises whatsoever and inspect the same or any work, ma-

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chinery, appliances or article therein or interrogate any persons therein in respect of anything situated therein or any matter relevant to the subject-matter of the inquiry or investigation.

**Court or Board may appoint Experts or Assessors**

19. The Court or Board may employ competent experts or assessors to examine the books or official reports of either party and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination without the consent of both the parties to the dispute.

**Powers of Courts and Boards**

20. In addition to the powers conferred by sub-section (2) of section 9 Courts and Boards shall have the following powers also, namely :—

1908, when trying a suit in respect of the following matters :—

- (a) discovery and inspection,
  - (b) granting adjournments,
  - (c) reception of evidence taken on affidavit,
- and the Court or Board may summon and examine *suo motu* any person whose evidence appears to it to be material and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

**Decision by Majority**

21. All questions arising for decision at any meeting of a Court or Board shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a second or casting vote.

**Right of Representatives**

22. The representatives of the parties, appearing before a Court, or Board, shall have the right of examination, cross-examination and re-examination and of addressing the Court or Board when all evidence has been called.

## PART III REMUNERATION OF MEMBERS OF COURTS AND BOARDS AND WITNESSES AND ESTABLISHMENT

**Travelling allowance**

23. A member of a Court or Board, if a non-official, will be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at the rates admissible and subject to the condi-

tions applicable to a Government servant of the first grade under the Bombay Civil Service Rules.

**Fees**

24. The Chairman and members of a Court or Board shall be granted such fees as may be sanctioned by the Provincial Government in each case.

**Expenses of Witnesses**

25. The reasonable expenses incurred by any person who is summoned and duly attends to give evidence as a witness before a Court or Board may be allowed by the  $\frac{\text{Court}}{\text{Board}}$  to such person according to the scale prescribed in the High Court in the City of Bombay and according to the scale prescribed for a District Court elsewhere.

**Remuneration to Experts or Assessors**

26. Where experts or assessors are appointed by a  $\frac{\text{Court}}{\text{Board}}$  under rule 19, their remuneration shall be determined by the Provincial Government.

**Establishment**

27. The Provincial Government may appoint such persons to be the Secretary and clerks of the Court or Board as it may think necessary and may fix the salaries and allowances payable to them.

**PART IV**

**REPRESENTATION OF PARTIES**

**How Parties may be represented**

28. Any party to a reference may be represented before a Court or Board by not more than three persons designated by him for the purpose, of whom one may be a legal practitioner, provided that the names of such persons shall have been communicated to the Chairman before the hearing.

**Parties bound by Acts of Representatives**

29. Every party appearing by a representative shall be bound by the acts of such representative.

**FORM A**

(SEE RULES 3 AND 4)

**Form of Application under section 3 of the Trade Disputes Act, 1929, for the reference of a trade dispute to a  $\frac{\text{Court of Inquiry}}{\text{Board of Conciliation}}$**

Whereas a trade dispute  $\frac{\text{has arisen}}{\text{is apprehended}}$  between  
and and it is expedient that

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the matters specified in the appended statement which are connected with or relevant to the dispute  
the dispute

should be referred for inquiry Investigation and settlement by a Court of Inquiry  
Board of Conciliation,  
an application is hereby made to the Government of Bombay under  
section 3 of the Trade Disputes Act, 1929, that the said matters should  
be referred to a Court of Inquiry  
Board of Conciliation.

2. This application is made on behalf of  
by the undersigned who have been  
duly authorised to make this application by\*

3. A statement giving the particulars of the dispute as re-  
quired by rule 3 of the Bombay Trade Disputes Rules, 1930, is  
appended hereto, duly signed.

14. The applicant(s) recommend(s) that the following per-  
sons be nominated to represent him  
them on the Board of Con-  
ciliation that may be appointed :—  
Name Address

(1)

(2)

Place  
Date

Signature of Applicant(s)  
Designation of Applicant(s)

To  
The Registrar of Trade Unions,  
Bombay Presidency,  
Secretariat, Bombay.

## FORM B

(SEE RULE 5)

Form of Order of Appointment of a Court of Inquiry/Board of  
Conciliation under section 4/6 of the Trade Disputes Act, 1929

GOVERNMENT OF BOMBAY  
Political and Services Department  
Bombay Castle, 19

Whereas trade dispute has arisen  
is apprehended between  
and the Government of Bombay, in exercise  
of the powers conferred by sections 4/6 of the Trade Disputes

\* Here state the manner in which the authority was given.  
† This paragraph should be struck off in the case of an application for reference to a  
Court of Inquiry.  
‡ Not more than two names may be recommended.

Act, 1929 (VII of 1929), is pleased to appoint a Court of Inquiry for investigating the said dispute Board of Conciliation for investigating the said dispute and promoting a settlement thereof, consisting of

(Chairman) and  
(Members)

2. The terms of reference to the said Court Board shall be as follows :—

By order of the Governor of Bombay.

Secretary to the Government of Bombay,  
Political and Services Dept.

FORM C

(SEE RULE 5)

Form of Order of Appointment of a Court of Inquiry/Board of Conciliation under section 4/6 of the Trade Disputes Act, 1929

GOVERNMENT OF BOMBAY

Political and Services Department

Bombay Castle,

19 .

Whereas a trade dispute has arisen is apprehended between  
and and whereas applications have been  
made by on behalf of the said and  
under section 3 of the Trade Disputes Act,  
1929, for the appointment of a Court of Inquiry Board of Conciliation the Government of  
Bombay in exercise of the powers conferred by section 4/6 of the  
said Act, is pleased to appoint a Court of Inquiry for investigating the said Board of Conciliation for investigating the said  
dispute said dispute and promoting a settlement thereof, consisting of

(Chairman) and  
(Members)

2. The terms of reference to the said Court Board shall be as follows :—

By order of the Governor of Bombay,

Secretary to the Government of Bombay,  
Political and Services Department.

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## FORM D

(SEE RULE 6)

Form of Notice to Parties to nominate Representatives, etc.

Whereas a trade dispute <sup>has arisen</sup> ~~is apprehended~~ between \_\_\_\_\_ and \_\_\_\_\_  
 and whereas the Provincial Government considers it expedient to refer the said dispute under section 3 of the Trade Disputes Act, 1929, to a Board of Conciliation for the purpose of investigating the same and for promoting a settlement thereof, you are hereby required, within seven days of the receipt of this notice, to intimate to the undersigned the name(s) and address(es) of one/two person(s) whom you wish to recommend for appointment as your representative(s) on the said Board.

2. You are also required to forward to the undersigned, within seven days of the receipt of this notice, a brief statement of the matters in dispute between you and \_\_\_\_\_ and of the issues you desire to be referred to the Board.

3. If you fail to make the recommendation within the period above-mentioned, the Government of Bombay will select and appoint such person (persons) as it thinks fit to represent you.

Secretariat, Bombay.

Dated \_\_\_\_\_  
 Presidency.

To \_\_\_\_\_

19 Registrar of Trade Unions, Bombay

## FORM E

(SEE RULE 12)

## SUMMONS TO WITNESSES

Whereas a trade dispute between \_\_\_\_\_ has been referred to and \_\_\_\_\_  
 this Court of Inquiry Board of Conciliation for investigation under section 3 of the Trade Disputes Act, 1929, you are hereby summoned to appear before this Court Board at \_\_\_\_\_ day of \_\_\_\_\_  
 at \_\_\_\_\_ o'clock in the noon and \_\_\_\_\_  
 of \_\_\_\_\_  
 on succeeding days until you are discharged by the Court Board to answer all material questions relating to the said dispute and you are directed to produce on those days all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Court Board

Secretary, Court of Inquiry Board of Conciliation

Dated \_\_\_\_\_

FORM F  
(SEE RULE 12)  
SUMMONS TO PARTIES

Whereas a trade dispute between you and your has been referred to this Court of Inquiry Board of Conciliation for investigation under section 3 of the Trade Disputes Act, 1929, you are hereby summoned to appear before this Court Board at \_\_\_\_\_ in person or by duly authorised representatives who will be able to answer all material questions relating to the matters in dispute, on the \_\_\_\_\_ day of \_\_\_\_\_ 19 , at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon and on succeeding days until the sittings of the Court are concluded to answer all material questions relating to the said dispute and to produce on those days all books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by this Court Board

2. Take notice that in default of your appearance on the day before mentioned, the said dispute will be heard and determined in your absence.

Secretary, Court of Inquiry Board of Conciliation

Dated \_\_\_\_\_

## Trade Disputes (Central) Rules, 1938.

BOMBAY CASTLE, 27TH APRIL 1938

No. 2317/34.—The following notification by the Government of India, Department of Labour, is republished :—

No. L.-1785, dated Simla, the 20th April 1938.

In exercise of the powers conferred by section 19 of the Trade Disputes Act, 1929 (VII of 1929), and by the said section of the said Act as in force in Berar, and in supersession of all previous rules made in this behalf in so far as such rules relate to industries, businesses and undertakings carried on by the Central Government or under its authority or by the Federal Railway Authority or by a railway company operating a federal railway, the Central Government is pleased to make the following rules for the purpose of giving effect to the provisions of the said Act.

### PRELIMINARY

#### Title and application

1. (1) These rules may be called the Trade Disputes (Central) Rules, 1938.

(2) These rules apply in respect of industries, businesses and undertakings carried on by the Central Government or under its authority or by the Federal Railway Authority or by a railway company operating a federal railway.

### Definitions

2. In these rules, unless there is anything repugnant in the subject or context,—

- (a) "the Act" means the Trade Disputes Act, 1929 ;
- (b) "section" means a section of the Act ;
- (c) "Form" means a form appended to these rules ;
- (d) "Chairman" means the Chairman of a Court or Board, or, if the Court or Board consists of one person only, such person.

### Definition of employer in the case of a railway administered by the Central Government

3. In the case of a railway administered by the Central Government or by the Federal Railway Authority the Agent or Manager of the railway shall be the authority who is the employer within the meaning of clause (c) of section 2.

## PART I

### Procedure for reference to Courts of Inquiry or Boards of Conciliation

#### Application

4. An application for the reference of a trade dispute to a Court or Board shall be made in Form A set out in the Schedule and shall be forwarded by registered post in triplicate to the Secretary to the Government of India in the Department of Labour. The application shall be accompanied by a statement setting forth :—

- (a) the parties to the dispute ;
- (b) the nature and cause of the dispute, including any demands made by either party on the other to which exception is taken by the opposite party ;
- (c) an estimate of the number of persons affected or likely to be affected by the dispute ;
- (d) the efforts made by the parties themselves to adjust the dispute ;
- (e) in the case of an application for the appointment of a Court of Inquiry the specific matters on which an enquiry by a Court is desired.



**Attestation of application**

5. The application and the statement accompanying it shall be signed—

- (a) in the case of an employer, by the employer himself, or, when the employer is an incorporated company or other body corporate, by the Agent, Manager or other principal officer of the Corporation :
- (b) in the case of employees—
  - (i) where the employees are members of a registered trade union, by two of the officers of the union duly authorised in writing in this behalf by a majority of the union members affected ;
  - (ii) where any or all of the employees are not members of a registered trade union, by not less than ten of the employees concerned duly authorised in writing in this behalf by the majority of the employees.

**Notification of appointment**

6. The appointment of a Court or Board together with the names of persons constituting the Court or Board shall be notified in the Gazette of India.

**Notice to nominate representatives**

7. (1) If the Central Government propose to appoint a Board consisting partly of representatives of the parties to the dispute, a notice shall be sent in Form B set out in the Schedule to the parties to nominate persons to represent them on the Board.

The time to be allowed for making nominations shall not be less than seven days nor more than one month from the date of the service of the notice.

(2) The notice shall—

- (i) in the case of an employer, be sent to the employer himself, or, when the employer is an incorporated company or other body corporate, to the Agent, Manager or other principal officer of the Corporation ;
- (ii) in the case of employees who are members of a registered trade union, be sent to the Secretary of the Union ;
- (iii) in the case of employees any or all of whom are not members of a registered trade union, be served on any two of the signatories to the application under sub-clause (ii) of clause (b) of rule 5, or, if service on the signatories is not practicable, be served by affixing a copy thereof in some conspicuous place at or near the

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place where the employees work or where a majority of them reside or by advertisement in one or more suitable newspapers.

## PART II

### POWERS AND PROCEDURE OF COURTS AND BOARDS

#### Place and time of Hearing

8. The sittings of the Court or Board shall be held at such times and places as are from time to time fixed by the Chairman, who shall inform the parties in such manner as he may deem necessary of the time and place at which sittings are to be held ; provided that so far as practicable, the Court or Board shall sit in the locality within which the subject-matter of the proceeding before it arose.

#### Quorum

9. The quorum necessary to constitute a sitting of a Court or Board shall be as follows :—

where the number constituting the Court or Board is 2	Quorum
where the number constituting the Court or Board is more than 2 but less than 5	1
where the number constituting the Court or Board is 5 or more	2
	3

#### Administration of oath

10. Any member of a Court or Board may administer an oath.

#### Evidence

11. The Court or Board may accept, admit or call for any evidence at any stage and in any manner which in equity and good conscience it thinks fit.

#### Summons

12. A summons issued by the Court or Board shall be in Form C, set out in the Schedule.

#### Service of summons or notice

13. Any summons or notice issued by the Court or Board may be served either personally or by registered post.

#### Procedure at the first sitting

14. At the first sitting of the Court or Board the Chairman shall call upon the parties in such order as he may think fit to state their case.

**Information to be kept confidential**

15. All books, papers and other documents or things produced before a Court or Board whether voluntarily or in pursuance of a summons may be inspected by the Court or Board and also by such parties as the Court or Board allows; but the information obtained therefrom shall not, except as provided in the Act, be made public and such parts of the books, papers, documents or things as in the opinion of the Court or Board do not relate to the matters at issue may be sealed up.

**Court or Board may proceed ex-parte**

16. If without good cause shown any party to proceedings before the Court or Board fails to attend or to be represented the Court or Board may proceed as if he had duly attended or had been represented.

**Power of entry and inspection**

17. A Court or Board or any member thereof or any other person authorised in writing by a Court or Board in this behalf may, for the purposes of any enquiry or investigation entrusted to the Court or Board under the Act, at any time between the hours of sunrise and sunset, enter any building, factory, workshop or other place or premises whatsoever and inspect the same or any work, machinery, appliance or article therein or interrogate any persons therein in respect of anything situated therein or any matter relevant to the subject-matter of the enquiry or investigation.

**Court or Board may appoint experts or assessors**

18. The Court or Board may employ competent experts or assessors to examine the books or official reports of either party and to advise it upon any technical or other matter material to the investigation, but shall not disclose such reports or the results of such inspection or examination without the consent of both the parties to the dispute.

**Powers of Courts and Boards**

19. In addition to the powers conferred by sub-section (2) of section 9 of the Act, Courts and Boards shall have the following powers also, namely :—

*Powers vested in Courts under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters :—*

- (a) discovery and inspection,
- (b) granting adjournments,
- (c) reception of evidence taken on affidavit,

and the Court or Board may summon and examine suo motu any person whose evidence appears to it to be material and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

**Decision by majority**

20. All questions arising for decision at any meeting of a Court or Board shall be decided by a majority of the votes of the members thereof (including the Chairman) present at the meeting. In the event of an equality of votes, the Chairman shall also have a casting vote.

**Right of representatives**

21. The representatives of the parties, appearing before a Court or Board, shall have the right of examination, cross-examination and re-examination and of addressing the Court or Board when all evidence has been called.

**PART III****Remuneration of members of Courts and Boards and witnesses and Establishment****Travelling allowance**

22. A member of a Court or Board, if a non-official, will be entitled to draw travelling allowance and halting allowance for any journey performed by him in connection with his duties as such member at the rates admissible, and subject to the conditions applicable, to a Government servant of the first grade under the Supplementary Rules issued by the Central Government.

**Fees**

23. The Chairman and members of a Court or Board shall be granted such fees as may be sanctioned by the Central Government in each case.

**Expenses of witnesses**

24. Every person who is summoned and duly attends as a witness before a Court or Board shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in Civil Courts in the Province where the enquiry or investigation is being conducted.

**Establishment**

25. The Central Government may appoint such persons to be the Secretary and clerks of a Court or Board as it may think necessary and may fix the salaries and allowances payable to them.

**PART IV****Representation of parties****How parties may be represented**

26. Any party to a reference may be represented before a Court or Board by not more than three persons designated by

him for the purpose, of whom one may be a legal practitioner as hereinafter provided.

**Representation by a legal practitioner**

27. Any party to a reference before a Court or Board may be represented by a legal practitioner, subject to such procedure or rules of evidence as the Court or Board may prescribe.

**Parties bound by acts of representatives**

28. Every party appearing by a representatives shall be bound by the acts of such representative.

**SCHEDULE**

**FORM A**

(Vide rule 4)

Form of application under section 3 of the Trade Disputes Act, 1929, for the reference of a trade dispute to a <sup>Board of Conciliation</sup> ~~Court of Inquiry~~

Whereas a trade dispute <sup>is apprehended</sup> ~~exists~~ between and the matters specified in the enclosed statement which are connected with <sup>or relevant to the dispute</sup> ~~the dispute~~ should be referred for <sup>enquiry</sup> ~~investigation and settlement~~ by a <sup>Court of Inquiry</sup> ~~Board of Conciliation~~, an application is hereby made under section 3 of the Trade Disputes Act, 1929, that the <sup>said matters</sup> ~~said disputes~~ should be referred to a <sup>Court of Inquiry</sup> ~~Board of Conciliation~~.

This application is made by the undersigned who have been duly authorised to make this application by\*

A statement giving particulars of the dispute as required by rule 4 of the Trade Disputes (Central) Rules, 1938, is enclosed.

Signature of applicant(s)

To

The Secretary to the Government of India,  
Department of Labour.

\* Where an application is made on behalf of the employees, state the manner in which the authority was given.

## FORM B

(Vide rule 7)

Whereas a trade dispute has arisen between  
is apprehended  
 and and it is  
 expedient to refer the said dispute under section 3 of the Trade  
 Disputes Act, 1929, to a Board of Conciliation for the purpose of  
 investigating the same and for promoting a settlement thereof,  
 you are hereby required to intimate to the undersigned not later  
 than the the name(s) and  
 address(es) of one (two) person(s) whom you wish to recom-  
 mend for appointment as your representative(s) on the said Board.

If you fail to make the recommendation by the date specified  
 above, the Central Government will select and appoint such per-  
 son (persons) as it thinks fit to represent you.

Secretary to the Government of India.

## FORM C

(Vide rule 12)

Whereas a trade dispute between  
 and has been referred to this  
Court of Inquiry  
Board of Conciliation for investigation under section 3 of the Trade  
 Disputes Act, 1929, you are hereby summoned to appear before  
 this Court in person on the day of at  
Board o'clock in the noon to answer all material  
 questions relating to the said dispute and you are directed to pro-  
 duce on that day all the books, papers and other documents and  
 things in your possession or under your control in any way re-  
 lating to the matter under investigation by this Court.  
Board

Dated

Secretary Court of Inquiry  
Board of Conciliation

# Workmen's Compensation Act, 1923

INDIA ACT NO. VIII OF 1923.<sup>1</sup>

*An Act to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident.*

WHEREAS it is expedient to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident ; It is hereby enacted as follows :—

## CHAPTER I.

### PRELIMINARY.

**Short title, extent and commencement.**

1. (1) This Act may be called the Workmen's Compensation Act, 1923.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on the first day of July, 1924.

### Definitions.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "adult" and "minor" mean respectively a person who is not and a person who is under the age of fifteen years ;

(b) "Commissioner" means a Commissioner for Workmen's Compensation appointed under Section 20 ;

(c) "compensation" means compensation as provided for by this Act ;

<sup>2</sup>[(d) "dependant" means any of the following relatives of a deceased workman, namely :—

<sup>1</sup> For Statement of Objects and Reasons, see Gazette of India, 1922, Pt. V, p. 313, and for Report of Joint Committee, see *ibid*, 1923, Pt. V, p. 37.

This Act has been declared in force in the district of Khondmals by s. 3 and Sch. of the Khondmals Laws Regulation, 1936 (IV of 1936), and in the district of Angul by s. 3 and Sch. of the Angul Laws Regulation, 1936 (V of 1936).

<sup>2</sup> This clause was substituted by s. 2 of the Workmen's Compensation (Amendment) Act 1938 (15 of 1938).

- (i) a <sup>1</sup>[widow], a minor legitimate son, and unmarried legitimate daughter, or a widowed mother ; and
- (ii) if wholly or in part dependent on the earnings of the workman at the time of his death, a <sup>2</sup>[widower], a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if, widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, <sup>3</sup>[a minor child of a deceased daughter where no parent of the child is alive,] or, where no parent of the workman is alive, a paternal grandparent ;]
- (e) "employer" includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and, when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means such other person while the workman is working for him ;
- (f) "managing agent" means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer ;
- (g) "partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning

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<sup>1</sup> This word was substituted for the word "wife" by s. 2 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

<sup>2</sup> This word was substituted for the word "husband", *ibid.*

<sup>3</sup> These words and the comma were inserted, *ibid.*



capacity in every employment which he was capable of undertaking at that time : provided that every injury specified in Schedule I shall be deemed to result in permanent partial disablement ;

(h) "prescribed" means prescribed by rules made under this Act ;

(i) "qualified medical practitioner" means any person registered under the Medical Act, 1858, or any Act amending the same, or under any Act of any Legislature in British India providing for the maintenance of a register of medical practitioners, or, in any area where no such last-mentioned Act is in force, any person declared by the <sup>1</sup>[Provincial Government], by notification in the <sup>2</sup>[Official Gazette], to be a qualified medical practitioner for the purposes of this Act ;

• 3 •

(k) "seaman" means any person forming part of the crew of any <sup>4</sup>\* \* ship, but does not include the master of <sup>5</sup>[the] ship ;

(l) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement : provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent. ;

(m) "wages" includes any privilege or benefit which is capable of being estimated in money, other than

<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "local official Gazette", *ibid.*

<sup>3</sup> Clause (j) was omitted by s. 2 of the Workmen's Compensation (Amendment) Act, 1938 (15 of 1938).

<sup>4</sup> The word "registered" was omitted, *ibid.*

<sup>5</sup> This word was substituted for the words "any such", *ibid.*

a travelling allowance or the value of any travelling *concession or a contribution* paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment ;

(n) "workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is—

(i) a railway servant as defined in Section 3 of the Indian Railways Act, 1890, not permanently employed in any administrative, district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II, or

(ii) employed <sup>1</sup>\* \* \* on monthly wages not exceeding three hundred rupees, in any such capacity as is specified in Schedule II,

whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing ; but does not include any person working in the capacity of a member of His Majesty's naval, military or air forces <sup>2</sup>\* \* \* ; and any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependants or any of them.

(2) The exercise and performance of the powers and duties of a local authority or of any department <sup>3</sup>[acting on behalf of the Crown] shall, for the purposes of this Act, unless a contrary intention appears, be deemed to be the trade or business of such authority or department.

<sup>1</sup> The words "either by way of manual labour or" were omitted by s. 2 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

<sup>2</sup> The words "or of the Royal Indian Marine Service" were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>3</sup> These words were substituted for the words "of the Government", *ibid.*

1[(3) The 2[Provincial Government], after giving, by notification in the 3[Official Gazette], not less than three months' notice of 4[its] intention so to do, may, by a like notification, add to Schedule II any class of persons employed in any occupation which 5[it] is satisfied is a hazardous occupation, and the provisions of this Act shall thereupon apply 6[within the Province] to such classes of persons :

Provided that in making such addition the 2[Provincial Government] may direct that the provisions of this Act shall apply to such classes of persons in respect of specified injuries only.]

## CHAPTER II.

### WORKMEN'S COMPENSATION.

#### Employer's liability for compensation.

3. (1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter :

Provided that the employer shall not be so liable—

- (a) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding 7[seven] days ;
- (b) in respect of any 8[injury, not resulting in death, caused by] an accident which is directly attributable to—
  - (i) the workman having been at the time thereof under the influence of drink or drugs, or
  - (ii) the wilful disobedience of the workman to an order expressly given, or to a rule expressly

1 This sub-section was substituted by s. 2 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

2 These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

3 These words were substituted for the word "Gazette of India", *ibid.*

4 This word was substituted for the word "his", *ibid.*

5 This word was substituted for the word "he", *ibid.*

6 These words were inserted, *ibid.*

7 This word was substituted for the word "ten" by s. 3 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

8 These words were substituted for the words "injury to a workman resulting from," *ibid.*

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framed, for the purpose of securing the safety of workmen, or

- (iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen, <sup>1\*</sup>

<sup>1\*</sup>

(2) <sup>2</sup>[If a workman employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment] or if a workman, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in <sup>3</sup>[Part B of] Schedule III, contracts, any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this Section and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the employment.

*Explanation.*—For the purposes of this sub-section a period of service shall be deemed to be continuous which has not included a period of service under any other employer <sup>4</sup>[in the same kind of employment].

(3) The <sup>5</sup>[Provincial Government] after giving, by notification in the <sup>6</sup>[Official Gazette], not less than three months' notice of <sup>7</sup>[its] intention so to do, may, by a like notification, add any description of employment to the employments specified in Schedule III, and shall specify in the case of the employments so added the diseases which

<sup>1</sup> The word "or", and clause (c) were omitted by s. 2 of the Workmen's Compensation Amendment Act, 1929 (5 of 1929).

<sup>2</sup> These words were substituted by s. 3 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

<sup>3</sup> These words were inserted, *ibid.*

<sup>4</sup> These words were added, *ibid.*

<sup>5</sup> These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>6</sup> These words were substituted for the words "Gazette of India", *ibid.*

<sup>7</sup> This word was substituted for the word "his", *ibid.*

<sup>1</sup>[within the Province] shall be deemed for the purposes of this Section to be occupational diseases peculiar to those employments respectively, and the provisions of sub-section (2) shall thereupon apply <sup>1</sup>[within the Province] as if such diseases had been declared by this Act to be occupational diseases peculiar to those employments.

(4) Save as provided by sub-sections (2) and (3), no compensation shall be payable to a workman in respect of any disease unless the disease is <sup>2</sup>\* \* directly attributable to a specific injury by accident arising out of and in the course of his employment.

(5) Nothing herein contained shall be deemed to confer any right to compensation on a workman in respect of any injury if he has instituted in a Civil Court a suit for damages in respect of the injury against the employer or any other person; and no suit for damages shall be maintainable by a workman in any Court of law in respect of any injury—

(a) if he has instituted a claim to compensation in respect of the injury before a Commissioner; or

(b) if an agreement has been come to between the workman and his employer providing for the payment of compensation in respect of the injury in accordance with the provisions of this Act.

#### Amount of compensation.

4. <sup>3</sup>[(1) Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:—

A. Where death results from the injury—

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the second column thereof, and

(ii) in the case of a minor—two hundred rupees;

<sup>1</sup> These words were inserted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> The words "solely and" were omitted by s. 3 of the Workmen's Compensation (Amendment) Act, 1938 (15 of 1938).

<sup>3</sup> This sub-section was substituted by s. 4, *ibid.*

B. Where permanent total disablement results from the injury—

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the third column thereof, and

(ii) in the case of a minor—twelve hundred rupees ;

C. Where permanent partial disablement results from the injury—

(i) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(ii) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury ;

*Explanation.*—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries ;

D. Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day after the expiry of a waiting period of seven days from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter,—

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—of the sum shown against such limits in the fourth column thereof, and

- (ii) in the case of a minor—of one-half of his monthly wages, subject to a maximum of thirty rupees :

Provided that—

- (a) there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be ; and
- (b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident.]

(2) On the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

#### Method of calculating wages.

5. In<sup>1</sup> this Act and for the purposes thereof the expression "Monthly Wages" means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rate) and calculated as follows, namely :—

- (a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period ;

<sup>1</sup> The brackets and figures "(1)" were omitted by s. 4 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938). See also Workmen's Compensation Amendment Act 1930.

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<sup>1</sup>[(b) where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the workman shall be <sup>2</sup>the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by a workman employed on the same work by the same employer, or, if there was no workman so employed, by a workman employed on similar work in the same locality ;]

## Restoration of Proceedings.

Where in any proceedings under the Workmen's Compensation Act, 1923 (VIII of 1923), concluded after the 1st day of July 1934 any person has been found by a Court not to be a workman within the meaning of that Act only by reason of the fact that his wages were payable otherwise than by the month or on a monthly basis, such findings shall be void and of no effect ; and the Court shall, notwithstanding any thing contrary in the Indian Limitation Act, 1908 (IX of 1908), or any other law for the time being in force, on application made within six months from the commencement of this Act by any person prejudicially affected by such findings, restore the proceedings at, and continue the proceedings from, the stage reached immediately before the order embodying or based on such findings was made.

<sup>3</sup>[(c) In other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is

<sup>1</sup> This clause was inserted, *ibid.*

<sup>2</sup> Words "Deemed to be" omitted vide Workmen's Compensation (Amendment) Act 1939.

<sup>3</sup> Original clause (b) was re-lettered clause (c), *ibid.*



liable to pay compensation, divided by the number of days comprising such period.

1\* \* \* \* \*

*Explanation.*—A period of service shall, for the purposes of <sup>2</sup>[this <sup>3</sup>[Section] ] be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.

4\* \* \* \* \*

#### Review.

6. (1) Any half-monthly payment payable under this Act, either under an agreement between the parties or under the order of a Commissioner, may be reviewed by the Commissioner, on the application either of the employer or of the workman accompanied by the certificate of a qualified medical practitioner that there has been a change in the condition of the workman or, subject to rules made under this Act, on application made without such certificate.

(2) Any half-monthly payment may, on review under this section, subject to the provisions of this Act, be continued, increased, decreased or ended, or if the accident is found to have resulted in permanent disablement, be converted to the lump sum to which the workman is entitled less any amount which he has already received by way of half-monthly payments.

#### Commutation of half-monthly payments.

7. Any right to receive half-monthly payments may, by agreement between the parties or, if the parties cannot agree and the payments have been continued for not less than six months, on the application of either party to the Commissioner be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

<sup>1</sup> The proviso was omitted by s. 5 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

<sup>2</sup> The words "this sub-section" were substituted for the words "this section" by s. 3 of the Workmen's Compensation (Amendment) Act, 1929 (5 of 1929).

<sup>3</sup> This word was substituted for the word "sub-section" by s. 4 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

<sup>4</sup> Sub-section (2) was omitted by s. 5 of the Workmen's Compensation (Amendment) Act, 1938 (15 of 1938).

**Distribution of compensation.**

8. [1(1) No payment of compensation in respect of a workman whose injury has resulted in death, and no payment of a lump sum as compensation to a woman or a person under a legal disability, shall be made otherwise than by deposit with the Commissioner, and no such payment made directly by an employer shall be deemed to be a payment of compensation :

<sup>2</sup>[Provided that, in the case of a deceased workman, an employer may make to any dependant advances on account of compensation not exceeding an aggregate of one hundred rupees, and so much of such aggregate as does not exceed the compensation payable to that dependant, shall be deducted by the Commissioner from such compensation and repaid to the employer].

(2) Any other sum amounting to not less than ten rupees which is payable as compensation may be deposited with the Commissioner on behalf of the person entitled thereto.

(3) The receipt of the Commissioner shall be a sufficient discharge in respect of any compensation deposited with him.]

(4) On the deposit of any money under sub-section (1) <sup>3</sup>[as compensation in respect of a deceased workman] the Commissioner <sup>4</sup>[shall deduct] therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding <sup>5</sup>[twenty-five rupees] and pay the same to the person by whom such expenses were incurred, and shall, if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit, calling upon the dependants to appear before him on such

<sup>1</sup> Sub-sections (1)–(3) were substituted by s. 4 of the Workmen's Compensation (Amendment) Act, 1929 (5 of 1929).

<sup>2</sup> This proviso was substituted by s. 6 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

<sup>3</sup> These words were inserted by s. 4 of the Workmen's Compensation (Amendment) Act, 1929 (5 of 1929).

<sup>4</sup> These words were substituted for the words "may deduct" by s. 6 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

<sup>5</sup> These words were substituted for the words "fifty rupees or so much of that cost or of fifty rupees, whichever is less, as has not already been advanced by the employer on account of such expenses", *ibid.*

date as he may fix for determining the distribution of the compensation. If the Commissioner is satisfied after any inquiry which he may deem necessary, that no dependant exists, he shall repay the balance of the money to the employer by whom it was paid. The Commissioner shall, on application by the employer, furnish a statement showing in detail all disbursements made.

<sup>1</sup>[(5) Compensation deposited in respect of a deceased workman shall, subject to any deduction made under sub-section (4), be apportioned among the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may, in the discretion of the Commissioner, be allotted to any one dependant.

(6) Where any compensation deposited with the Commissioner is payable to any person, the Commissioner shall, if the person to whom the compensation is payable is not a woman or a person under a legal disability, and may, in other cases, pay the money to the person entitled thereto.

(7) Where any lump sum deposited with the Commissioner is payable to a woman or a person under a legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman, or of such person during his disability, in such manner as the Commissioner may direct; and where a half-monthly payment is payable to any person under a legal disability, the Commissioner may, of his own motion or on an application made to him in this behalf, order that the payment be made during the disability to any dependant of the workman or to any other person whom the Commissioner thinks best fitted to provide for the welfare of the workman.]

<sup>2</sup>[(8)] Where, on application made to him in this behalf or otherwise, the Commissioner is satisfied that, on account of neglect of children on the part of a parent or on account of the variation of the circumstances of any dependant or for any other sufficient cause, an order of the Commissioner as to the distribution of any sum paid as compensation or

<sup>1</sup> Sub-sections (5)–(7) were substituted for original sub-section (5) by s. 4 of the Workmen's Compensation (Amendment) Act, 1929 (5 of 1929).

<sup>2</sup> Original sub-section (6) was renumbered as (8) by s. 4 of the Workmen's Compensation (Amendment) Act, 1929 (5 of 1929).

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as to the manner in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with, ought to be varied, the Commissioner may make such order for the variation of the former order as he thinks just in the circumstances of the case :

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

<sup>1</sup>[(9) Where the Commissioner varies any order under sub-section (8) by reason of the fact that payment of compensation to any person has been obtained by fraud, impersonation or other improper means, any amount so paid to or on behalf of such person may be recovered in the manner hereinafter provided in section 31.]

**Compensation not to be assigned, attached or charged.**  
9. Save as provided by this Act, no lump sum or half-monthly payment payable under this Act shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

**Notice and claim.**

10. (1) <sup>2</sup>[No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is preferred before him within one year of the occurrence of the accident or, in case of death, within one year from the date of death :]

Provided that, where the accident is the contracting of a disease in respect of which the provisions of sub-section (2) of section 3 are applicable, the accident shall be deemed to have occurred on the first of the days during which the

<sup>1</sup> This sub-section was added, by Workmen's Compensation (Amendment) Act, 1920 (5 of 1920).  
<sup>2</sup> These words were substituted by 8. 5 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

workman was continuously absent from work in consequence of the disablement caused by the disease :

<sup>1</sup>[Provided further, that the want of or any defect or irregularity in a notice shall not be a bar to the <sup>2</sup>[entertainment of a claim—]

- (a) if the claim is <sup>3</sup>[preferred] in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or
- (b) if the employer <sup>4</sup>[or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed] had knowledge of the accident from any other source at or about the time when it occurred :]

Provided further, that the Commissioner may <sup>5</sup>[entertain] and decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been <sup>6</sup>[preferred] in due time as provided in this sub-section, if he is satisfied that the failure so to give the notice or <sup>7</sup>[prefer] the claim, as the case may be, was due to sufficient cause.

(2) Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date on which the accident happened, and shall be served on the employer or upon

<sup>1</sup> This proviso was inserted by s. 7 of the Workmen's Compensation (Amendment) Act 1933 (15 of 1933).

<sup>2</sup> These words were substituted for the words "maintainance of proceedings" by s. 5 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

<sup>3</sup> This word was substituted for the word "made", *ibid.*

<sup>4</sup> These words were inserted by s. 5 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

<sup>5</sup> This word was substituted for the word "admit", *ibid.*

<sup>6</sup> This word was substituted for the word "instituted", *ibid.*

<sup>7</sup> This word was substituted for the word "institute", *ibid.*

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<sup>1</sup>[any one of] several employers, or upon any person <sup>2</sup>responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed.

<sup>3</sup>[(3) The <sup>4</sup>[Provincial Government] may require that any prescribed class of employers shall maintain at their premises at which workmen are employed a notice-book, in the prescribed form, which shall be readily accessible at all reasonable times to any injured workman employed on the premises and to any person acting bona fide on his behalf.

(4) A notice under this section may be served by delivering it at, or sending it by registered post addressed to the residence or any office or place of business of the person on whom it is to be served, or, where a notice-book is maintained, by entry in the notice-book.].

**Power to require from employers statements regarding fatal accidents.**

<sup>5</sup>[10A. (1) Where a Commissioner receives information from any source that a workman has died as a result of an accident arising out of and in the course of his employment, he may send by registered post a notice to the workman's employer requiring him to submit, within thirty days of the service of the notice, a statement, in the prescribed form, giving the circumstances attending the death of the workman, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death.

(2) If the employer is of opinion that he is liable to deposit compensation, he shall make the deposit within thirty days of the service of the notice.

(3) If the employer is of opinion that he is not liable

<sup>1</sup> These words were substituted for the words "any one or" by s. 2 and First Schedule of the Repealing and Amending Act, 1924 (7 of 1924).

<sup>2</sup> The word "directly" was omitted by s. 5 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

<sup>3</sup> Sub-sections (3) and (4) were substituted by s. 7 of the Workmen's Compensation (Amendment) Act, 1938 (15 of 1938).

<sup>4</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>5</sup> Sections 10-A and 10-B were inserted by s. 8 of the Workmen's Compensation (Amendment) Act, 1938 (15 of 1938).

to deposit compensation, he shall in his statement indicate the grounds on which he disclaims liability.

(4) Where the employer has so disclaimed liability, the Commissioner, after such inquiry as he may think fit, may inform any of the dependants of the deceased workman that it is open to the dependants to prefer a claim for compensation, and may give them such other further information as he may think fit.

#### **Reports of fatal accidents.**

10B. (1) where, by any law for the time being in force, notice is required to be given to any authority, by or on behalf of an employer, of any accident occurring on his premises which results in death, the person required to give the notice shall, within seven days of the death, send a report to the Commissioner giving the circumstances attending the death :

Provided that where the <sup>1</sup>[Provincial Government] has so prescribed the person required to give the notice may instead of sending such report to the Commissioner send it to the authority to whom he is required to give the notice.

(2) The <sup>1</sup>[Provincial Government] may, by notification in the <sup>2</sup>[Official Gazette], extend the provisions of sub-section (1) to any class of premises other than those coming within the scope of that sub-section, and may, by such notification, specify the persons who shall send the report to the Commissioner.]

#### **Medical examination.**

11.(1) Where a workman has given notice of an accident, he shall, if the employer, before the expiry of three days from the time at which service of the notice has been effected, offers to have him examined free of charge by a qualified medical practitioner, submit himself for such examination, and any workman who is in receipt of a half-

<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "local official Gazette" *ibid*.

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monthly payment under this Act shall, if so required, submit himself for such examination from time to time :

Provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with rules made under this Act, or at more frequent intervals than may be prescribed.

(2) If a workman, on being required to do so by the employer under sub-section (1) or by the Commissioner at any time, refuses to submit himself for examination by a qualified medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless, in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

(3) If a workman, before the expiry of the period within which he is liable under sub-section (1) to be required to submit himself for medical examination, voluntarily leaves without having been so examined the vicinity of the place in which he was employed, his right to compensation shall be suspended until he returns and offers himself for such examination.

(4) Where a workman, whose right to compensation has been suspended under sub-section (2) or sub-section (3), dies without having submitted himself for medical examination as required by either of those sub-sections, the Commissioner may, if he thinks fit, direct the payment of compensation to the dependants of the deceased workman.

(5) Where under sub-section (2) or sub-section (3) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension, and, if the period of suspension commences before the expiry of the waiting period referred to in clause D of sub-section (1) of section 4, the waiting period shall be increased by the period during which the suspension continues.

(6) Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the



instructions of such medical practitioner, then, <sup>1</sup>[if it is proved that the workman has not thereafter been regularly attended by a qualified medical practitioner or having been so attended has deliberately failed to follow his instructions and that such refusal, disregard or failure was unreasonable], in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner <sup>2</sup>[whose instructions he had followed], and compensation, if any, shall be payable accordingly.

**Contracting.**

12. (1) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman had been immediately employed by him ; and when compensation is claimed from the principal, this Act shall apply as if references to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by the contractor, <sup>3</sup>[or any other person from whom the workman could have recovered compensation and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal under this section he shall

<sup>1</sup> These words were substituted by s. 6 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

<sup>2</sup> These words were inserted, *ibid.*

<sup>3</sup> These words were inserted by s. 9 of the Workmen's Compensation (Amendment) Act, 1938 (15 of 1938).

be entitled to be indemnified by any person standing to him in the relation of a contractor from whom the workman could have recovered compensation] and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

(3) Nothing in this section shall be construed as preventing a workman from recovering compensation from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management.

#### **Remedies of employer against stranger.**

13. Where a workman has recovered compensation in respect of an injury caused under circumstances creating a legal liability of some person other than the person by whom the compensation was paid to pay damages in respect thereof, the person by whom the compensation was paid and any person who has been called on to pay an indemnity under section 12 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid.

#### **Insolvency of employer.**

14. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then in the event of the employer becoming insolvent or making a composition or scheme of arrangement with his creditors or, if the employer is a company, in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in any law for the time being in force relating to insolvency or the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be under any greater liability to

the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the insolvency proceedings or liquidation.

(3) Where in any case such as is referred to in sub-section (1) the contract of the employer with the insurers is void or voidable by reason of non-compliance on the part of the employer with any terms or conditions of the contract (other than a stipulation for the payment of premia), the provisions of that sub-section shall apply as if the contract were not void or voidable, and the insurers shall be entitled to prove in the insolvency proceedings or liquidation for the amount paid to the workman :

Provided that the provisions of this sub-section shall not apply in any case in which the workman fails to give notice to the insurers of the happening of the accident and of any resulting disablement as soon as practicable after he becomes aware of the institution of the insolvency or liquidation proceedings.

(4) There shall be deemed to be included among the debts which under Section 49 of the Presidency-towns Insolvency Act, 1909, or under Section 61 of the Provincial Insolvency Act, 1920, or under Section 230 of the Indian Companies Act, 1913, are in the distribution of the property of an insolvent or in the distribution of the assets of a company being wound up to be paid in priority to all other debts, the amount due in respect of any compensation the liability whereof accrued before the date of the order of adjudication of the insolvent or the date of the commencement of the winding up, as the case may be, and those Acts shall have effect accordingly.

(5) Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this Section, be taken to be amount of the lump sum for which the half-monthly payment could, if redeem-

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able, be redeemed if application were made for that purpose under Section 7, and a certificate of the Commissioner as to the amount of such sum shall be conclusive proof thereof.

(6) The provisions of sub-section (4) shall apply in the case of any amount for which an insurer is entitled to prove under sub-section (3), but otherwise those provisions shall not apply where the insolvent or the company being wound up has entered into such a contract with insurers as is referred to in sub-section (1).

(7) This Section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

**Special provisions relating to masters and seamen.**

15. This Act shall apply in the case of workmen who are masters of <sup>1</sup>\* ships or seamen subject to the following modifications, namely :—

(1) The notice of the accident and the claim for compensation may, except where the person injured is the master of the ship, be served on the master of the ship as if he were the employer, but where the accident happened and the disablement commenced on board the ship, it shall not be necessary for any seaman to give any notice of the accident.

(2) In the case of the death of a master or seaman, the claim for compensation shall be made within six months after the news of the death has been received by the claimant or, where the ship has been or is deemed to have been lost with all hands, within eighteen months of the date on which the ship was, or is deemed to have been, so lost.

(3) Where an injured master or seaman is discharged or left behind in any part of His Majesty's dominions or in a foreign country, any depositions taken by any Judge or Magistrate in that part or by any Consular Officer in the foreign country and transmitted by the person by whom they are taken to the <sup>2</sup>[Central Government] or any

<sup>1</sup> The word "registered" was omitted by s. 10 of the Workmen's Compensation (Amendment) Act, 1938 (15 of 1938).  
<sup>2</sup> These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937

<sup>1</sup>[Provincial Government] shall in any proceedings for enforcing the claim, be admissible in evidence—

- (a) if the deposition is authenticated by the signature of the Judge, Magistrate or Consular Officer before whom it is made ;
- (b) if the defendant or the person accused, as the case may be, had an opportunity by himself or his agent to cross-examine the witness ; and
- (c) if the deposition was made in the course of a criminal proceeding, on proof that the deposition was made in the presence of the person accused ;

and it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition and a certificate by such person that the defendant or the person accused had an opportunity of cross-examining the witness and that the deposition if made in a criminal proceeding was made in the presence of the person accused shall unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.

\* \* \* \* \*

<sup>3</sup>[(4)] No <sup>4</sup>[half-monthly payment] shall be payable in respect of the period during which the owner of the ship is, under any law in force for the time being in British India relating to merchant shipping, liable to defray the expenses of maintenance of the injured master or seaman.

“(5) No<sup>5</sup> compensation shall be payable under this Act in respect of any injury in respect of which provision is made for payment of a gratuity, allowance or pension under the War Pensions and Detention Allowances (Mercantile Marine, etc.) Scheme, 1939, or the War Pensions and Detention Allowances (Indian Seamen, etc.) Scheme, 1941, made under the Pensions (Navy, Army, Air Force

<sup>1</sup> These word were substituted for the words “Local Government”, by the Govt. of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> Sub-section (4) was omitted by s. 7 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

<sup>3</sup> The original sub-section (5) was re-numbered (4), *ibid.*

<sup>4</sup> These words were substituted for the words “monthly payment” by s. 2 and First Schedule of the Repealing and Amending Act, 1924 (7 of 1924).

<sup>5</sup> Added vide Workmen's Compensation Amendment. Act, No. I of 1942.

and Mercantile Marine) Act, 1939, or under the War Pensions and Detention Allowances (Indian Seamen) Scheme, 1942, made by the Central Government.

(6) Failure to give a notice or make a claim or commence proceedings within the time required by this Act shall not be a bar to the maintenance of proceedings under this Act in respect of any personal injury, if—

- (a) an application has been made for payment in respect of that injury under any of the schemes referred to in the preceding clause, and
- (b) the Provincial Government certifies that the said application was made in the reasonable belief that the injury was one in respect of which the scheme under which the application was made makes provision for payments, and that the application was rejected or that payments made in pursuance of the application were discontinued on the ground that the injury was not such an injury, and
- (c) the proceedings under this Act are commenced within one month from the date on which the said certificate of the Provincial Government was furnished to the person commencing the proceedings."

#### Returns as to compensation.

16. The <sup>1</sup>[Provincial Government] may, by notification in the <sup>2</sup>[Official Gazette], direct that every person employing workmen, or that any specified class of such persons, shall send at such time and in such form and to such authority, as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation has been paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as the <sup>1</sup>[Provincial Government] may direct.

#### Contracting out.

17. Any contract or agreement whether made before or after the commencement of this Act, whereby a work-

<sup>1</sup> These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "Gazette of India" *ibid.*

man relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Act.

**Proof of age.**

18. Where any question arises as to the age of a person injured by accident arising out of and in the course of his employment in a factory, <sup>1</sup>[a valid certificate granted in respect of such person under Section 12 or Section 52 of the Factories Act, 1934], before the occurrence of the injury shall be conclusive proof of the age of such person.

**Penalties.**

<sup>2</sup>[18A. (1) Whoever—

- (a) fails to maintain a notice-book which he is required to maintain under sub-section (3) of Section 10, or
- (b) fails to send to the Commissioner a statement which he is required to send under sub-section (1) of Section 10A, or
- (c) fails to send a report which he is required to send under Section 10B, or
- (d) fails to make a return which he is required to make under Section 16,

shall be punishable with fine which may extend to one hundred rupees.

(2) No prosecution under this Section shall be instituted except by or with the previous sanction of a Commissioner, and no Court shall take cognizance of any offence under this Section, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.]

<sup>1</sup> These words and figures were substituted for the words and figures "a certificate granted in respect of such person under section 7 or section 8 of the Indian Factories Act, 1911" by s. 8 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

<sup>2</sup> This section was inserted by s. 11 of the Workmen's Compensation (Amendment) Act, 1938 (15 of 1938).

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## CHAPTER III. COMMISSIONERS.

### Reference to Commissioners.

19. (1) If any question arises in any proceedings under this Act as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not a workman) or as to the amount or duration of compensation (including any question as to the nature or extent of disablement), the question shall, in default of agreement, be settled by <sup>1</sup>[a Commissioner].

(2) No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by a Commissioner or to enforce any liability incurred under this Act.

### Appointment of Commissioners.

20. (1) The <sup>2</sup>[Provincial Government] may, by notification in the <sup>3</sup>[Official Gazette], appoint any person to be a Commissioner for Workmen's Compensation for such local area as may be specified in the notification.

<sup>4</sup>[(2)] Where more than one Commissioner has been appointed for any local area, the <sup>2</sup>[Provincial Government] may, by general or special order, regulate the distribution of business between them.]

<sup>4</sup>[(3)] Any Commissioner may, for the purpose of deciding any matter referred to him for decision under this Act, choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.

<sup>4</sup>[(4)] Every Commissioner shall be deemed to be a public servant within the meaning of the Indian Penal Code.

<sup>1</sup> These words were substituted for the words "the Commissioner" by s. 12, of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

<sup>2</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of India Laws) Order, 1937.

<sup>3</sup> These words were substituted for the words "local official Gazette", *ibid*.

<sup>4</sup> New sub-section (2) was inserted and the old sub-sections (2) and (3) were re-numbered (3) and (4) by s. 14 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).



**Venue of proceedings and transfer.**

21. (1) Where any matter is under this Act to be done by or before a Commissioner, the same shall, subject to the provisions of this Act and to any rules made hereunder, be done by or before <sup>1</sup>[a Commissioner] for the local area in which the accident took place which resulted in the injury :

Provided that, where the workman is the master of a <sup>2</sup>ship or a seaman, any such matter may be done by or before <sup>1</sup>[a Commissioner] for the local area in which the owner or agent of the ship resides or carries on business.

(2) If a Commissioner is satisfied <sup>3</sup>[that any matter arising out of any proceedings pending before him] can be more conveniently dealt with by any other Commissioner, whether in the same province or not, he may, subject to rules made under this Act, order such matter to be transferred to such other Commissioner either for report or for disposal, and, if he does so, shall forthwith transmit to such other Commissioner all documents relevant for the decision of such matter and, where the matter is transferred for disposal, shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the proceedings :

<sup>4</sup>[Provided that the Commissioner shall not, where any party to the proceedings has appeared before him, make any order of transfer relating to the distribution among dependants of a lump sum without giving such party an opportunity of being heard :]

Provided <sup>5</sup>[further], that no matter other than a matter relating to the actual payment to a workman or the distribution among dependants of a lump sum shall be transferred for disposal under this sub-section to a Commissioner

<sup>1</sup> These words were substituted for the words "the commissioner" by s. 14, Workmen's Compensation (Amendment) Act, 1938.

<sup>2</sup> The word "registered" was omitted, *ibid*.

<sup>3</sup> These words were substituted for the words "by any party to any proceedings under this Act pending before him that such matter" by s. 9 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

<sup>4</sup> This proviso was inserted by s. 9 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

<sup>5</sup> This word was inserted, *ibid*.

in the same province save with the previous sanction of the <sup>1</sup>[Provincial Government] or to a Commissioner in another province save with the previous sanction of <sup>2</sup>[the Provincial Government of that Province], unless all the parties to the proceedings agree to the transfer.

(3) The Commissioner to whom any matter is so transferred shall, subject to rules made under this Act, inquire thereinto and, if the matter was transferred for report, return his report thereon or, if the matter was transferred for disposal, continue the proceedings as if they had originally commenced before him.

(4) On receipt of a report from a Commissioner to whom any matter has been transferred for report under sub-section (2), the Commissioner by whom it was referred shall decide the matter referred in conformity with such report.

<sup>3</sup>[(5) The <sup>1</sup>[Provincial Government] may transfer any matter from any Commissioner appointed by it to any other Commissioner appointed by it.]

#### **Form of application.**

22. (1) No application for the settlement of any matter by a Commissioner, <sup>4</sup>[other than an application by a dependant or dependants for compensation,] shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.

(2) <sup>5</sup>[An application to a Commissioner] may be made in such form and shall be accompanied by such fee, if any, as may be prescribed, and shall contain, in addition to any particulars which may be prescribed, the following particulars namely :—

<sup>1</sup> These words were substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> These words were substituted for the words "the Governor General in Council" *ibid*.

<sup>3</sup> This sub-section was inserted by s. 14 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

<sup>4</sup> These words were inserted by s. 15, *ibid*.

<sup>5</sup> These words were substituted for the words "Where any such question has arisen, the application" by s. 15 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

- (a) a concise statement of the circumstances in which the application is made and the relief or order which the applicant claims ;
- (b) in the case of a claim for compensation against an employer, the date of service of notice of the accident on the employer and, if such notice has not been served or has not been served in due time, the reason for such omission ;
- (c) the names and addresses of the parties ; and
- (d) <sup>1</sup>[except in the case of an application by dependants for compensation,] a concise statement of the matters on which agreement has and <sup>2</sup>[of] those on which agreement has not been come to.

(3) If the applicant is illiterate or for any other reason is unable to furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Commissioner.

**Power of Commissioner to require further deposit in cases of fatal accident.**

<sup>3</sup>[22A. (1) Where any sum has been deposited by an employer as compensation payable in respect of a workman whose injury has resulted in death, and in the opinion of the Commissioner such sum is insufficient, the Commissioner may, by notice in writing stating his reasons, call upon the employer to show cause why he should not make a further deposit within such time as may be stated in the notice.

(2) If the employer fails to show cause to the satisfaction of the Commissioner, the Commissioner may make an award determining the total amount payable, and requiring the employer to deposit the deficiency.]

**Powers and procedure of Commissioners.**

23. The Commissioner shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath (which such Com-

<sup>1</sup> These words were inserted, Workmen's Compensation ( Amendment ) Act, 1933 ( 15 of 1933 ).

<sup>2</sup> This word was substituted for the word "on" by s. 2 and First Schedule of the Repealing and Amending Act, 1925 (37 of 1925).

<sup>3</sup> This section was inserted by s. 16 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

missioner is hereby empowered to impose) and of enforcing the attendance of witnesses and compelling the production of documents and material objects, <sup>1</sup>[and the Commissioner shall be deemed to be a Civil Court for all the purposes of Section 195 and of Chapter XXXV of the Code of Criminal Procedure, 1898.]

#### **Appearance of parties.**

24. Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or <sup>2</sup>[by an official of an Insurance Company or registered Trade Union authorised in writing by such person or, with the permission of the Commissioner, by any other person so authorised].

#### **Method of recording evidence.**

25. The Commissioner shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum shall be written and signed by the Commissioner with his own hand and shall form part of the record :

Provided that, if the Commissioner is prevented from making such memorandum, he shall record the reason of his inability to do so and shall cause such memorandum to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record :

Provided further, that the evidence of any medical witness shall be taken down as nearly as may be word for word.

#### **Costs.**

26. All costs incidental to any proceedings before a Commissioner shall, subject to rules made under this Act, be in the discretion of the Commissioner.

<sup>1</sup> These words were added by s. 5 of the Workmen's Compensation (Amendment) Act, 1929 (5 of 1929).

<sup>2</sup> These words were substituted for the words "other person authorised in writing by such person" by s. 10 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

**Power to submit cases.**

27. A Commissioner may, if he thinks fit, submit any question of law for the decision of the High Court and, if he does so, shall decide the question in conformity with such decision.

**Registration of agreements.**

28. (1) Where the amount of any lump sum payable as compensation has been settled by agreement, whether by way of redemption of a half-monthly payment or otherwise, or where any compensation has been so settled as being payable <sup>1</sup>[to a woman or a person under a legal disability] <sup>2</sup>\* \* \* a memorandum thereof shall be sent by the employer to the Commissioner, who shall, on being satisfied as to its genuineness, record the memorandum in a register in the prescribed manner :

Provided that—

(a) no such memorandum shall be recorded before seven days after communication by the Commissioner of notice to the parties concerned :

3\* \* \* \* \*

(c) the Commissioner may at any time rectify the register ;

(d) where it appears to the Commissioner that an agreement as to the payment of a lump sum whether by way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount of compensation payable <sup>4</sup>[to a woman or a person under a legal disability] <sup>5</sup>\* \* \* ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the me-

<sup>1</sup> These words were substituted for the words "to a person, under a legal disability" by s. 6 of the Workmen's Compensation (Amendment) Act, 1920 (3 of 1920).

<sup>2</sup> The words "or to a dependant" were repealed by s. 3 and Second Schedule of the Repealing and Amending Act, 1924 (7 of 1924).

<sup>3</sup> Clause (b) Was omitted by s. 6 of the Workmen's Compensation (Amendment) Act, 1920 (3 of 1920).

<sup>4</sup> These words were substituted for the words "to a person under any legal disability" *ibid.*

<sup>5</sup> The words "or to any dependant" were repealed by s. 3 and Second Schedule of the Repealing and Amending Act, 1924 (7 of 1924).

memorandum of the agreement <sup>1</sup>[and may make such order] including an order as to any sum already paid under the agreement, as he thinks just in the circumstances.

(2) An agreement for the payment of compensation which has been registered under sub-section (1) shall be enforceable under this Act notwithstanding anything contained in the Indian Contract Act, 1872, or in any other law for the time being in force.

#### Effect of failure to register agreement.

29. Where a memorandum of any agreement the registration of which is required by Section 28, is not sent to the Commissioner as required by that Section, the employer shall be liable to pay the full amount of compensation which he is liable to pay under the provisions of this Act, and notwithstanding anything contained in the proviso to sub-section (1) of Section 4, shall not, unless the Commissioner otherwise directs, be entitled to deduct more than half of any amount paid to the workman by way of compensation whether under the agreement or otherwise.

#### Appeals.

30. (1) An appeal shall lie to the High Court from the following orders of a Commissioner, namely :—

- (a) an order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum ;
- (b) an order refusing to allow redemption of a half-monthly payment ;
- (c) an order providing for the distribution of compensation among the dependants of a deceased workman, or disallowing any claim of a person alleging himself to be such dependant ;
- (d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of Section 12 ; or

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<sup>1</sup> These words were substituted for the words "or may make such order;" by s. 2 and First Schedule, *ibid.*

- (e) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions :

Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal and, in the case of an order other than an order such as is referred to in clause (b), unless the amount in dispute in the appeal is not less than three hundred rupees :

Provided further, that no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner, or in which the order of the Commissioner gives effect to an agreement come to by the parties.

<sup>1</sup>[Provided further, that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against].

(2) The period of limitation for an appeal under this Section shall be sixty days.

(3) The provisions of Section 5 of the Indian Limitation Act, 1908, shall be applicable to appeals under this Section.

#### **Withholding of certain payments pending decisions of appeal.**

<sup>2</sup>[30A. Where an employer makes an appeal under clause (a) of sub-section (1) of Section 30, the Commissioner may, and if so directed by the High Court shall, pending the decision of the appeal, withhold payment of any sum in deposit with him.]

#### **Recovery.**

31. The Commissioner may recover as an arrear of land-revenue any amount payable by any person under this Act, whether under an agreement for the payment of com-

<sup>1</sup> This proviso was added by s. 17 of the Workmen's Compensation (Amendment) Act, 1938 (15 of 1938).

<sup>2</sup> This section was inserted, by s. 18 *ibid*.

pensation or otherwise, and the Commissioner shall be deemed to be a public officer within the meaning of Section 5 of the Revenue Recovery Act, 1890.

## CHAPTER IV.

### RULES.

#### Power of the Provincial Government to make rules.

32. (1) The <sup>1</sup>[Provincial Government] may make <sup>2</sup>[rules] to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) for prescribing the intervals at which and the conditions subject to which an application for review may be made under Section 6 when not accompanied by a medical certificate ;
- (b) for prescribing the intervals at which and the conditions subject to which a workman may be required to submit himself for medical examination under sub-section (1) of Section 11 ;
- (c) for prescribing the procedure to be followed by Commissioners in the disposal of cases under this Act and by the parties in such cases ;
- (d) for regulating the transfer of matters and cases from one Commissioner to another and the transfer of money in such cases ;
- (e) for prescribing the manner in which money in the hands of a Commissioner may be invested for the benefit of dependants of a deceased workman and for the transfer of money so invested from one Commissioner to another ;
- (f) for the representation in proceedings before Commissioners of parties who are minors or are unable to make an appearance ;

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<sup>1</sup> These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> For Workmen's Compensation Rules, 1924, see General Statutory Rules and Orders. Vol. V, p. 262



- (g) for prescribing the form and manner in which memoranda of agreements shall be presented and registered ;
- (h) for the withholding by Commissioners, whether in whole or in part of half-monthly payments pending decision on applications for review of the same ;<sup>1\*</sup>

\* \*

\*

\*

- <sup>2</sup>[(i)] for regulating the scales of costs which may be allowed in proceedings under this Act ;
- <sup>2</sup>[(j)] for prescribing and determining the amount of the fees payable in respect of any proceedings before a Commissioner under this Act ;
- <sup>2</sup>[(k)] for the maintenance by Commissioners of registers and records of proceedings before them ;
- <sup>2</sup>[(l)] for prescribing the classes of employers who shall maintain notice-books under sub-section (3) of Section 10, and the form of such notice-books ;
- <sup>2</sup>[(m)] for prescribing the form of statement to be submitted by employers under Section 10A ;
- <sup>3</sup>[and]
- <sup>2</sup>[(n)] for prescribing the cases in which the report referred to in Section 10B may be sent to an authority other than the Commissioner.<sup>3\*</sup>

\* \*

\*

\*

### Publication of rules.

34. (1) The power to make rules conferred by <sup>4</sup>[Section 32] shall be subject to the condition of the rules being made after previous publication.

(2) The date to be specified in accordance with clause (3) of Section 23 of the General Clauses Act, 1897, as that after which a draft of rules proposed to be made under

<sup>1</sup> The word "and" and clause (i) were omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>2</sup> Clauses (a) to (f) of section 33 after being re-lettered as (i) to (n) respectively, were added to section 32 and the rest of section 33 was omitted by the Government of India (Adaptation of Indian Laws) Order, 1937.

<sup>3</sup> This word "and" at the end of clause (m) as so re-lettered was inserted and the word "and" at the end of clause (n) as so re-lettered was omitted, *ibid*.

<sup>4</sup> This word and figures were substituted for the words and figures "sections 32 and 33" *ibid*.

Section 32 1\* \* \* will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

(3) Rules so made shall be published in 2\* \* \* the <sup>3</sup>[Official Gazette], 4\* \* \* and on such publication, shall have effect as if enacted in this Act.

**Rules to give effect to arrangements with other countries for the transfer of money paid as compensation.**

<sup>6</sup>[35. <sup>6</sup>[(1)] The <sup>7</sup>[Central Government] may, by notification in the <sup>8</sup>[Official Gazette], make rules for the transfer to any part of His Majesty's Dominions or to any other country of money <sup>9</sup>[deposited with] a Commissioner under this Act <sup>10</sup>[which has been awarded to or may be due to] any person residing or about to reside in such part or country and for the receipt <sup>11</sup>[distribution] and administration in British India of any money <sup>12</sup>[deposited] under the law relating to workmen's compensation in any part of His Majesty's Dominions or in any other country, <sup>13</sup>[which has been awarded to or may be due to] any person residing or about to reside in British India.]

[Provided that no sum deposited under this Act in respect of fatal accidents shall be so transferred without the consent of the employer concerned until the Commissioner receiving the sum has passed orders determining its distribution and apportionment under the provisions of sub-sections (4) and (5) of Section 8.]

1 The words and figures "or section 33" were omitted, *ibid.*

2 The words "the Gazette of India or" were omitted, *ibid.*

3 These words were substituted for the words "local official Gazette," *ibid.*

4 The words "as the case may be" were omitted, *ibid.*

5 Section 85 was inserted by s. 29 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

6 Section 35 was re-numbered as sub-section (1) of that section by s. 2 of the Workmen's Compensation (Amendment) Act, 1937 (7 of 1937).

7 These words were substituted for the words "Governor General in Council" by the Government of India (Adaptation of Indian Laws) Order, 1937.

8 These words were substituted for the words "Gazette of India", *ibid.*

9 These words were substituted for the words "paid to" by s. 2 of the Workmen's Compensation (Amendment) Act, 1937 (7 of 1937).

10 These words were substituted for the words "for the benefit of", *ibid.*

11 This word was inserted, *ibid.*

12 This word was substituted for the word "awarded", *ibid.*

13 These words were substituted for the words "and applicable for the benefit of", *ibid.*

[Where money deposited with a Commissioner has been transferred in accordance with the rules made under this Section, the provisions elsewhere contained in this Act regarding distribution by the Commissioner of compensation deposited with him shall cease to apply in respect of any such money.]

SCHEDULE I

[See Sections 2 (1) and 4]

List of injuries deemed to result in permanent partial disablement

Injury	Percentage of loss of earning capacity.
Loss of right arm above or at the elbow ..	70
Loss of left arm above or at the elbow ..	60
Loss of right arm below the elbow ..	60
Loss of leg at or above the knee ..	60
Loss of left arm below the elbow ..	50
Loss of leg below the knee ..	50
Permanent total loss of hearing ..	50
Loss of one eye .. .. .	30
Loss of thumb .. .. .	25
Loss of all toes of one foot .. .. .	20
Loss of one phalanx of thumb .. .. .	10
Loss of index finger .. .. .	10
Loss of great toe .. .. .	10
Loss of any finger other than index finger ..	5

NOTE.—Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

<sup>1</sup> The proviso and sub-section (2) were added, *ibid.* and words "where money deposited with a commissioner has" were substituted for words "Provided that no sum deposited under this Act in respect" vide G. of I. Act VII of 1937.

## SCHEDULE II

[See Section 2 (1) (n)]

List of persons who, subject to the provisions of section 2 (1) (n), are included in the definition of workmen

The following persons are workmen within the meaning of section 2 (1) (n) and subject to the provisions of that section, that is to say, any person who is—

- <sup>1</sup>[(i) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of <sup>2</sup>[a lift or a vehicle propelled by steam or other mechanical power or by electricity] ; or
- (ii) employed otherwise than in a clerical capacity in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been employed in any manufacturing process, as defined in <sup>3</sup>[clause (g) of section 2 of the Factories Act, 1934], or in any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made, and steam, water or other mechanical power or electrical power is used ; or
- (iii) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof on any one day of the preceding twelve months, fifty, or more persons have been so employed ; or
- (iv) employed in the manufacture or handling of explosives in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been so employed ; or
- (v) employed, in any mine as defined in clause (f) of section 3 of the Indian Mines Act, 1923, in any mining operation, or in any kind of work, other than clerical work, incidental to or connected

<sup>1</sup> These clauses and the explanation were substituted by s. 21 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

<sup>2</sup> These words were substituted for the words "mechanically propelled vehicles" by s. 11 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

<sup>3</sup> These words, brackets, letter and figures were substituted for the words, brackets and figures "clause (4) of section 2 of the Indian Factories Act, 1911:", *ibid.*

with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground :

Provided that any excavation in which on no day of the preceding twelve months more than fifty persons have been employed or explosives have been used and whose depth from its highest to the lowest point does not exceed twenty feet shall be deemed not to be a mine for the purpose of this clause ; or

- (vi) employed as the master or as a seaman of—
  - (a) any ship which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled, or
  - (b) any ship not included in sub-clause (a) of fifty tons net tonnage or over ; or
- (vii) employed for the purpose of loading, unloading, fuelling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew, or in the handling or transport within the limits of any port subject to the Indian Ports Act, 1908, of goods which have been discharged from or are to be loaded into any vessel ; or
- (viii) employed in the construction, repair or demolition of—
  - (a) any building which is designed to be or is or has been more than one storey in height above the ground or twenty feet or more from the ground level to the apex of the roof, or
  - (b) any dam or embankment which is twenty feet or more in height from its lowest to its highest point ; or
  - (c) any road bridge, or tunnel ; or
  - (d) any wharf, quay, sea-wall or other marine work including any moorings or ships ; or
- (ix) employed in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post or any over-head electric line or cable or post or standard for the same ; or
- (x) employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any aerial ropeway, canal, pipe-line, or sewer ; or
- (xi) employed in the service of any fire brigade— ; or

- (xii) employed upon a railway as defined in clause (4) of section 3, and sub-section (1) of section 148 of the Indian Railways Act, 1890, either directly or through a sub-contractor, by a person fulfilling a contract with the railway administration; or
- (xiii) employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service, or employed in any occupation ordinarily involving outdoor work in the Indian Posts and Telegraphs Department; or
- (xiv) employed, otherwise than in a clerical capacity, in connection with operations for winning natural petroleum or natural gas; or
- (xv) employed in any occupation involving blasting operations; or
- (xvi) employed in the making of any excavation in which on any one day of the preceding twelve months more than fifty persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceeds twenty feet; or
- (xvii) employed in the operation of any ferry boat capable of carrying more than ten persons; or
- (xviii) employed, otherwise than in a clerical capacity, on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been so employed; or
- (xix) employed, otherwise than in a clerical capacity, in the generating, transforming or supplying of electrical energy or in the generating or supplying of gas; or
- (xx) employed in a lighthouse as defined in clause (d) of section 2 of the Indian Lighthouse Act, 1927; or
- (xxi) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or
- (xxii) employed in the training, keeping or working of elephants or wild animals; or
- <sup>1</sup>[(xxiii) employed in the tapping of palm-trees or the felling or logging of trees, or the transport of timber by inland waters, or the control or extinguishing of forest fires; or

<sup>1</sup> Clauses (xxiii) and (xxiv) were inserted and the original clause (xxiii) was re-numbered (xxv) by s. 11 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

- (xxiv) employed in operations for the catching or hunting of elephants or other wild animals ; or]
- <sup>1</sup>[(xxv)] employed as a diver ; <sup>2</sup>[or]
- 2[(xxvi) employed in the handling or transport of goods in, or within the precincts of,—
- (a) any warehouse or other place in which goods are stored, and in which on any one day of the preceding twelve months ten or more persons have been so employed ; or ,
- (b) any market in which on any one day of the preceding twelve months one hundred or more persons have been so employed ; or
- (xxvii) employed in any occupation involving the handling and manipulation of radium or x-rays apparatus, or contact with radio-active substances.]
- <sup>3</sup>(xxviii) employed for the purpose of loading or unloading any mechanically propelled vehicle, or in the handling or transport of goods which have been loaded into mechanically propelled vehicle ;
- (xxix)<sup>4</sup> employed in any occupation ordinarily involving outdoor work by any Municipality or by any District Local Board.

**Explanation**

In this Schedule, 'the preceding twelve months' relates in any particular case to the twelve months ending with the day on which the accident in such case occurred.]

**SCHEDULE III**

(SEE SECTION 3)

**List of occupational diseases**

Occupational disease	Employment
<sup>5</sup> [PART A	
Anthrax .. ..	Any employment— (a) involving the handling of wool, hair, bristles or animal carcasses or parts of such carcasses, including hides, hoofs and horns ; or

<sup>1</sup> Clause (xxiii) and (xxiv) were inserted and the original clause (xxii) was renumbered (xxv) by s. 11 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

<sup>2</sup> The word "or" and clauses (xxvi) and (xxvii) were inserted, *ibid*.

<sup>3</sup> Added vide G. of B. Gaz. Part IV A, p. 1328 of 28-7-38.

<sup>4</sup> Added, *ibid*.

<sup>5</sup> Part A and the word and letter "Part B" were inserted by s. 12 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

Occupational disease	Employment
	(b) in connection with animals infected with anthrax ; or (c) involving the loading, unloading or transport of any merchandise.
Compressed air illness or its sequelae ..	Any process carried on in compressed air.
Poisoning by lead tetra-ethyl	Any process involving the use of lead tetra-ethyl
Poisoning by nitrous fumes ..	Any process involving exposure to nitrous fumes.

## PART B

Lead poisoning or its sequelae 2[excluding poisoning by leading tetra-ethyl].	Any process involving the use of lead 3[or any of its preparations or compounds except lead tetra-ethyl]
Phosphorous poisoning or its sequelae.	Any process involving the use of phosphorous or its preparations or compounds.
4[Mercury poisoning or its sequelae.	Any process involving the use of mercury or its preparations or compounds.
Poisoning by benzene and its homologues. or the sequelae of such poisoning.	Handling benzene or any of its homologues and any process in the manufacture or involving the use of benzene or any of its homologues.
Chrome ulceration or its sequelae	Any process involving the use of chromic acid or bichromate of ammonium, potassium or sodium, or their preparations.
5[Arsenical poisoning or its sequelae	Any process involving the production liberation or utilisation of arsenic or its compounds.

1 Clauses (xxiii) and (xxiv) were inserted and the original clause (xxiii) was re-numbered (xxv) by s. 11 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).

2 These words were added *ibid.*

3 These words were substituted for the words "or its preparations or compounds", *ibid.*

4 These entries were added by s. 22 of the Workmen's Compensation (Amendment) Act, 1933 (15 of 1933).

5 These entries were substituted by s.12 of the Workmen's Compensation (Amendment) Act, 1938 (9 of 1938).



Occupational disease	Employment
Pathological manifestations due to— (a) radium and other radio-active substances ; (b) X-rays.	Any process involving exposure to the action of radium, radio-active substances, or X-rays.
Primary-epitheliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products, or residues of these substances].]

<sup>1</sup> [SCHEDULE IV

(SEE SECTION 4)

Compensation payable in certain cases

Monthly wages of the workman injured.		Amount of compensation for—		Half-monthly payment as compensation for Temporary Disablement of Adult.
		Death of Adult.	Permanent Total Disablement of Adult.	
1		2	3	4
More than Rs.	But not more than Rs.	Rs.	Rs.	Rs. a. Half his monthly wages.
0	10	300	700	
10	15	550	770	5 0
15	18	600	840	6 0
18	21	630	882	7 0
21	24	720	1,008	8 0
24	27	810	1,131	8 8
27	30	900	1,260	9 0
30	35	1,050	1,470	9 8
35	40	1,200	1,680	10 0
40	45	1,350	1,890	11 4
45	50	1,500	2,100	12 8
50	60	1,800	2,520	15 0
60	70	2,100	2,940	17 8
70	80	2,400	3,360	20 0
80	100	3,000	4,200	25 0
100	200	3,500	4,900	30 0
200	..	4,000	5,600	30 0]

<sup>1</sup> This Schedule was substituted by s 23 of the Workmen's Compensation (Amendment) Act, 1938 (15 of 1938).

## **\*Workmen's Compensation (Amendment)**

**Act 1939**

**ACT NO. XIII OF 1939**

*An Act further to amend the Workmen's Compensation Act, 1923, for a certain purpose.*

WHEREAS doubts have been entertained whether a workman employed on wages payable otherwise than by the month or on a monthly basis may be a workman within the meaning of the Workmen's Compensation Act, 1923;

AND WHEREAS it is expedient to remove those doubts, and for that purpose further to amend Section 5 of that Act in the manner hereinafter appearing;

It is hereby enacted as follows :—

### **Short title and commencement.**

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 1939.

(2) It shall come into force on the 1st day of May, 1939 :

Provided that Section 2 shall be deemed to have taken effect from the 30th day of June, 1934.

### **Amendment of Section 5 of Act VIII of 1923.**

2. In this Section 5 of the Workmen's Compensation Act, 1923—

(a) for the words "For the purposes of this Act the monthly wages of a workman shall be calculated" the following shall be substituted, namely :—

'In this Act and for the purposes thereof the expression "monthly wages" means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates), and calculated'

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\* Reproduced here for purposes of the preamble only. The Amendments effected by this Act have already been incorporated in the text of the Act.

- (b) in clause (b), the words "deemed to be" shall be omitted.

**Restoration of proceedings.**

3. Where in any proceedings under the Workmen's Compensation Act, 1923, concluded after the 1st day of July, 1934, any person has been found by a Court not to be a workman within the meaning of that Act only by reason of the fact that his wages were payable otherwise than by the month or on a monthly basis, such finding shall be void and of no effect ; and the Court shall, notwithstanding anything to the contrary in the Indian Limitation Act, 1908 or any other law for the time being in force, on application made within six months from the commencement of this Act by any person prejudicially affected by such finding, restore the proceedings at, and continue the proceedings from, the stage reached immediately before the order embodying or based on such finding was made.

## Workmen's Compensation Act, 1923

### WORKMEN'S COMPENSATION RULES, 1924

No. L.-1182, dated Simla, the 26th June 1924.

In exercise of the powers conferred by Section 32 of the Workmen's Compensation Act 1923 (VIII of 1923), the Governor General in Council is pleased to make the following rules :—

### PRELIMINARY

**Short title**

1. These rules may be called the Workmen's Compensation Rules, 1924.

**Definitions**

2. In these rules, unless there is anything repugnant in the subject or context,—

- (a) "the Act" means the Workmen's Compensation Act, 1923.
- (b) "Form" means a form appended to these rules.
- (c) "section" means a section of the Act.

## PART I

REVIEW OF HALF-MONTHLY PAYMENT AND  
COMMUTATION THEREOF.

**When application may be made without medical certificate**

3. Application for review of a half monthly payment under section 6 may be made without being accompanied by a medical certificate :

- (a) by the employer, on the ground that since the right to compensation was determined the workman's wages have increased ;
- (b) by the workmen, on the ground that since the right to compensation was determined his wages have diminished ;
- (c) by the workman, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workman's condition such as to warrant such cessation ;
- (d) either by the employer or by the workman, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means.
- (e) either by the employer or by the workman on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

**Procedure on application for review**

4. If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought, it appears to the Commissioner that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order withholding the half-monthly payments in whole or in part pending his decision on the application.

**Procedure on application for commutation**

5. (1) Where application is made to the Commissioner under section 7 for the redemption of a right to receive half-monthly payments by the payment of a lump sum, the Commissioner shall form an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue, less one half per cent. of that total for each month comprised in that period :

Provided that fractions of a rupee included in the sum so computed shall be disregarded.

(2) When, in any case to which sub-rule (1) applies, the Commissioner is unable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

## PART II

### DEPOSIT OF COMPENSATION

#### Deposit under Section 8

6. (1) An employer depositing compensation with the Commissioner under sub-section (1) of section 8 in respect of a workman whose injury has resulted in death shall furnish therewith a statement in Form A, and shall be given a receipt in Form B. In other cases of deposits with the Commissioner under sub-section (1) of section 8, the employer shall furnish a statement in Form A, and shall be given a receipt in Form B.

(2) If, when depositing Compensation in respect of fatal accidents the employer indicates in the statement referred to in sub-rule (1) that he desires to be made a party to the distribution proceedings, the Commissioner shall, before allotting the sum deposited as compensation, afford to the employer an opportunity of establishing that the person to whom he proposes to allot such sum is not a dependant of the deceased workman, or, as the case may be, that no one of such persons is a dependant.

(3) The statement of disbursements to be furnished on application by the employer under sub-section (4) of section 8 shall be in Form C.

#### Publication of lists of deposits

7. The Commissioner shall cause to be displayed in a prominent position outside his office an accurate list of the deposits received by him under sub-section (1) of section 8 together with the names and addresses of the depositors and of the workmen in respect of whose death or injury the deposits have been made.

#### Application by dependants for deposit of compensation

8. (1) A dependant of a deceased workman may apply to the Commissioner for the issue of an order to deposit compensation in respect of the death of the workman. Such application shall be made in Form G.

(2) If compensation has not been deposited, the Commissioner shall dispose of such application in accordance with the provisions of Part V of these rules :

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Provided that :—

- (a) the Commissioner may, at any time before issues are framed, cause notice to be given in such manner as he thinks fit to all or any of the dependants of the deceased workman who have not joined in the application, requiring them, if they desire to join therein, to appear before him on a date specified in this behalf ;
- (b) any dependant to whom such notice has been given and who fails to appear and to join in the application on the date specified in the notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation, unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called on for hearing.
- (3) If, after completing the inquiry into the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with sub-section (1) of section 8, nothing in sub-rule (2) shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependant of the deceased workman who failed to join in the application.

#### Deposit under section 8 (2)

9. An employer depositing compensation in accordance with sub-section (2) of section 8 shall furnish therewith a statement in Form D and shall be given a receipt in Form E.

#### Investment of money

10. Money in the hands of a Commissioner may be invested for the benefit of the dependants of a deceased workman in Government securities or Post Office Cash Certificates, or may be deposited in a Post Office Savings Bank.

### PART III

#### REPORT OF ACCIDENTS

##### Report of fatal accidents

11. The report required by section 10-B shall, subject to such rules, if any, as may be made by the Provincial Government be informed E E.

##### Right of employer to present memorandum when information received

12. (1) Any employer who has received information of an accident may, at any time notwithstanding the fact that no claim for compensation has been instituted in respect of such accident, present to the Commissioner a memorandum, supported by an affidavit made by himself or by any person subordinate to him.

having knowledge of the facts stated in the memorandum, embodying the results of any investigation or inquiry which has been made into the circumstances or cause of the accident.

(2) A memorandum presented under sub-rule (1) shall, subject to the payment of such fee as may be prescribed, be recorded by the Commissioner.

#### PART IV

##### MEDICAL EXAMINATION

**Workman not to be required to submit to medical examination save in accordance with rules**

13. A workman who is required by sub-section (1) of section 11 to submit himself for medical examination shall be bound to do so in accordance with the rules contained in this Part and not otherwise.

**Examination when workman and medical practitioner both on premises**

14. When such workman is present on the employer's premises, and the employer offers to have him examined free of charge by a qualified medical practitioner who is also present, the workman shall submit himself for examination forthwith.

**Examination in other cases**

15. In cases to which rule 14 does not apply, the employer may—

- (a) send the medical practitioner to the place where the workman is residing for the time being, in which case the workman shall submit himself for medical examination being requested to do so by the medical practitioner, or
- (b) send to the workman an offer in writing to have him examined free of charge by a qualified medical practitioner in which case the workman shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified :

**Provided that—**

- (i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 p.m. and 6 a.m., and
- (ii) in cases where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be

be required to submit himself for medical examination save at such place.

#### **Restriction on number of examinations**

16. A workman who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

#### **Examination after suspension of right to compensation**

17. If a workman whose right to compensation has been suspended under sub-section (3) of section 11 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being, save with the express consent of the workman more than 72 hours after the workman has so offered himself.

#### **Examination of women**

18. (1) No woman shall without her consent be medically examined by a male practitioner, save in the presence of another woman.

(2) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

### **PART V**

#### **PROCEDURE**

##### **Introductory**

19. Save as otherwise provided in these rules, the procedure to be followed by Commissioners in the disposal of cases under the Act or these rules and by the parties in such cases, shall be regulated in accordance with the rules contained in this Part.

##### **Applications**

20. (1) Any application of the nature referred to in section 22 may be sent to the Commissioner by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and, if so sent or presented, shall, unless the Commissioner otherwise directs, be made in duplicate in the appropriate Form, if any, and shall be signed by the applicant.

(2) There shall be appended to every such application a certificate, which shall be signed by the applicant, to the effect that the statement of facts contained in the application is to the best of his knowledge and belief accurate.



**Production of documents**

21. (1) When the application for relief is based upon a document, the document shall be appended to the application.

(2) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case may be shall not, without the sanction of the Commissioner, be admissible in evidence on behalf of the party who should have produced it.

(4) Nothing in this rule applied to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

**Application presented to wrong Commissioner**

22. (1) If it appears to the Commissioner on receiving the application that it should be presented to another Commissioner, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and the designation of the Commissioner to whom it should be presented.

(2) If it appears to the Commissioner at any subsequent stage that an application should have been presented to another Commissioner he shall send the application to the Commissioner empowered to deal with it and shall inform the applicant (and the opposite party, if he has received a copy of the application under rule 26), accordingly.

(3) The Commissioner to whom an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceedings or any part of them had been taken before him, if he is satisfied that the interests of the parties will not thereby be prejudiced.

**Examination of applicant**

23. (1) On receiving an application of the nature referred to Section 22 the Commissioner may examine the applicant on oath, or may send the application to any officer authorised by the Provincial Government in this behalf and direct such officer to make such examination and forward the record thereof to the Commissioner.

(2) The substance of any examination made under sub-rule (1) shall be recorded in the manner provided for the recording of evidence in section 25.

**Summary dismissal of application**

24. (1) The Commissioner may, after considering the application and the result of any examination of the applicant under rule 23, summarily dismiss the application, if, for reasons to be

recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

(2) The dismissal of the application under sub-rule (1) shall not of itself preclude the applicant from presenting a fresh application for the settlement of the same matter.

#### **Preliminary inquiry into application**

25. If the application is not dismissed under rule 24, the Commissioner may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and, if upon considering such evidence the Commissioner is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

#### **Notice to opposite party**

26. If the Commissioner does not dismiss the application under rule 24 or rule 25 he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party) a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce upon that date any evidence which they may wish to tender.

#### **Appearance and examination of opposite party**

27. (1) The opposite party may, and if so required by the Commissioner, shall, at or before the first hearing or within such time as the Commissioner may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Commissioner may, and, if no written statement has been filed, shall proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

#### **Framing of issues**

28. (1) After considering any written statement and the result of any examination of the parties, the Commissioner shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.

(2) In recording the issues, the Commissioner shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

#### **Power to postpone trial of issues of fact where issues of law arise**

29. When issues both of law and of fact arise in the same case, and the Commissioner is of opinion that the case may be

disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

**Diary**

30. The Commissioner shall maintain under his hand a brief diary of the proceedings on an application.

**Reasons for postponement to be recorded**

31. If the Commissioner finds it impossible to dispose of an application at one hearing, he shall record the reasons which necessitate a postponement.

**Judgment**

32. (1) The Commissioner, in passing orders, shall record concisely in a judgment his finding on each of the issues framed and his reasons for such finding.

(2) The Commissioner, at the time of signing and dating his judgment, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

**Summoning of witnesses**

33. If an application is presented by any party to the proceedings for the citation of witnesses, the Commissioner shall, on payment of the prescribed expenses and fees, issue summonses for the appearance of such witnesses, unless he considers that their appearance is not necessary for the just decision of the case.

**Exemption from payment of costs**

34. If the Commissioner is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which, had they not been remitted, would have been due to be paid, may be added to the costs of the case and recovered in such manner as the Commissioner in his order regarding costs may direct.

**Right of entry for local inspection**

35. A Commissioner before whom any proceeding relating to an injury by accident is pending may, at any time, enter the place where the workman was injured, or where the workman ordinarily performed his work for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings:

Provided that the Commissioner shall not enter any premises of any industrial establishment except during the ordinary

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working hours of that establishment, save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

**Procedure in connection with local inspection**

36. (1) If the Commissioner proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representatives notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.

(2) Such notice may be given, orally or in writing, and, in the case of an employer, may be given to any person upon whom notice of a claim can be served under sub-section (2) of section 10, or to the representative of any such person.

(3) Any party, or the representative of any party, may accompany the Commissioner at a local inspection.

(4) The Commissioner, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and, on payment of the prescribed fee, shall supply any party with a copy thereof.

(5) The memorandum shall form part of the record.

**Power of summary examination**

37. (1) The Commissioner during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relative to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

(3) Statements made by persons examined under sub-rule (1), if reduced to writing, shall not be signed by the person making the statement, nor shall they, except as hereinafter provided, be incorporated in the record or utilised by the Commissioner for the purpose of arriving at a decision in the case.

(4) If a witness who has been examined under sub-rule (1) makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Commissioner may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witness.

(5) Any statement or part of a statement which is furnished

to the parties under sub-rule (4) shall be incorporated in the record.

(6) Where a case is settled by agreement between the parties, the Commissioner may incorporate in the record any statement made under sub-rule (1) and may utilise such statement for the purpose of justifying his acceptance of, or refusal to accept, the agreement reached.

**Agreement to abide by Commissioner's decision**

38. (1) If a party states in writing his willingness to abide by the decision of the Commissioner, the Commissioner shall inquire whether the other party is willing to abide by his decision.

(2) If the other party agrees to abide by the Commissioner's decision, the fact of his agreement shall be recorded in writing and signed by him.

(3) If the other party does not agree to abide by the Commissioner's decision, the first party shall not remain under an obligation so to abide.

**Procedure where indemnity claimed under section 12 (2)**

39. (1) Where the opposite party claims that if compensation is recovered against him he will be entitled under sub-section (2) of section 12 to be indemnified by a person not being a party to the case, he shall when first called upon to answer the application, present a notice of such claim to the Commissioner accompanied by the prescribed fee, and the Commissioner shall thereupon issue notice to such person in Form J.

(2) If any person served with a notice under sub-rule (1) desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, he shall appear before the Commissioner on the date fixed for the hearing of the case or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings; in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit his own liability to indemnify the opposite party for any compensation recovered from him :

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to the aforesaid opposite party, hear such person and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(3) If any person served with a notice under sub-rule (1), whether or not he desires to contest the applicant's claim for

compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Commissioner accompanied by the prescribed fee and the Commissioner shall thereupon issue notice to such person in form JJ.

(4) If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified he shall appear before the Commissioner on the date fixed in the notice in form JJ or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings; in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him: Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be just.

(5) In any proceedings in which a notice has been served on any person under sub-rule (1) of sub-rule (3) the Commissioner shall, if he awards compensation, record in his judgment a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify.

#### **Procedure in connected cases**

40. (1) Where two or more cases pending before a Commissioner arise out of the same accident, and an issue involved is common to two or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be heard simultaneously.

(2) Where action is taken under sub-rule (1), the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Commissioner shall certify under his hand on the records of any such other case the extent to which the evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present, of cross-examining the witnesses.

**Certain provisions of Code of Civil Procedure, 1908 to apply**

41. Save as otherwise expressly provided in the Act or these rules, the following provisions of the first Schedule to the Code of Civil Procedure, 1908, namely, those contained in Order V, rules 9 to 13 and 15 to 30 ; Order IX ; Order XIII ; rules 3 to 10 ; Order XVI rules 2 to 21 ; Order XVII ; and Order XXIII, rules 1 and 2 shall apply to proceedings before Commissioners, in so far as they may be applicable thereto :

Provided that—

- (a) for the purpose of facilitating the application of the said provisions, the Commissioner may construe them with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before him ;
- (b) the Commissioner may, for sufficient reason, proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

**Provision regarding signature of forms**

42. Any form, other than a receipt for compensation, which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any Officer subordinate to him appointed by him in writing for this purpose.

**Appointment of compensation among dependants**

43. The provisions of this part, except those contained in rules 26, 27 and 39 shall, as far as may be, apply in the case of any proceedings relating to the appointment of compensation among dependants of a deceased workman.

**PART VI**

**TRANSFER**

**Transfer for report**

44. (1) A Commissioner transferring any matter to another Commissioner for report in accordance with sub-section (2) of section 21 shall, along with the documents referred to in that sub-section, transmit to such other Commissioner a concise statement, in the form of questions for answer, of the matter on which report is required.

(2) A Commissioner to whom a case is so transferred for report shall not be required to report on any question of law.

**Transmission of money**

45. Money transmitted by one Commissioner to another in accordance with sub-section (2) of section 21 shall be transmitted

either by remittance transfer receipt, or by money order, or by messenger, as the Commissioner transmitting the money may direct.

## PART VII

### APPOINTMENT OF REPRESENTATIVES

#### When representative must be appointed

46. Where any party to a proceeding is under the age of 15 years or is unable to make an appearance, the Commissioner shall appoint some suitable person, who consents to the appointment, to represent such party for the purposes of the proceeding.

#### When new representative to be appointed

47. If the Commissioner considers that the interests of any party for whom a representative has been appointed under rule 46 are not being adequately protected by that representative or if a person appointed to act as representative dies, or becomes incapable of acting, or otherwise ceases to act as such, the Commissioner shall appoint in his place another person who consents to the appointment.

## PART VIII

### RECORD OF MEMORANDA OF AGREEMENT

#### Form of memorandum

48. Memoranda of agreement sent to the Commissioner under sub-section (1) of section 28 shall, unless the Commissioner otherwise directs, be in duplicate and shall be in as close conformity as the circumstances of the case admit with Form K or Form L or Form M as the case may be.

#### Procedure where Commissioner does not consider that he should refuse to record memorandum

49. (1) On receiving a memorandum of agreement, the Commissioner shall, unless he considers that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in Form N to the parties concerned that in default of objections he proposes to record the memorandum on the date so fixed :

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

(2) On the date so fixed the Commissioner shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded :



Provided that the issue of a notice under sub-rule (1) shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(3) If on such date the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons therefor, and, if any party desiring the memorandum to be recorded is not present, he shall send information to that party in Form O.

**Procedure where Commissioner considers he should refuse to record memorandum**

50. (1) If, on receiving a memorandum of agreement, the Commissioner considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.

(2) If the parties to be informed are not present, a written notice shall be sent to them in Form P or Form Q, as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(3) If on the date fixed under sub-rule (1), the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, the Commissioner may, if information has already been given to all the parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with rule 49.

(4) If on the date so fixed the Commissioner refuses to record the memorandum, he shall send notice in Form O to any party who did not receive information under sub-rule (1).

**Procedure on refusal to record memorandum**

51. (1) If in any case the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.

(2) If the Commissioner refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.

(3) Where the agreement is for the redemption of half-monthly payments by the payment of a lump sum and the Commissioner considers that the memorandum of agreement should

not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.

**Registration of memorandum accepted for record**

52. In recording a memorandum of agreement the Commissioner shall cause the same to be entered in a register in Form R, and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following terms, namely :—

“This memorandum of agreement bearing Serial No. of 19 . in the register has been recorded this day of

(Signature)

Commissioner.”

**FORM A**

[SEE RULE 6 (1).]

**DEPOSIT OF COMPENSATION FOR FATAL ACCIDENT**

[Section 8 (i) of the Workmen's Compensation Act, 1923].

“Compensation amounting to Rs. is hereby presented for deposit in respect of injuries resulting in the death of the workman, whose particulars are given below, which occurred on

Name

Father's name

(Husband's name in case of married woman or widow).

Caste

Local Address

Permanent address

His  
Her monthly wages are estimated at Rs.

He  
She was over  
under the age of 15 years at the time of his  
her death”

2. The said workman had, prior to the date of his  
her death, received the following payments, namely,

Rs.	on	Rs.	on
Rs.	on	Rs.	on
Rs.	on	Rs.	on

amounting in all to Rs.

3. An advance of Rs. . has been made on account of compensation to being  $\frac{\text{his}}{\text{her}}$  dependant.

4. \*I do not desire to be made a party to the proceedings for distribution of the aforesaid compensation.

Dated 19 .

Employer

FORM AA

[SEE RULE 6 (1).]

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENT TO A WOMAN OR PERSON UNDER LEGAL DISABILITY

[Section 8 (1) of the Workmen's Compensation Act.]

Compensation amounting to Rs. is hereby presented for deposit in respect of injuries sustained by residing at on 19 , resulting in  $\frac{\text{the loss of}}{\text{temporary disablement}}$   $\frac{\text{His}}{\text{Her}}$  monthly wages are estimated at Rs.  $\frac{\text{He}}{\text{She}}$  was  $\frac{\text{over}}{\text{under}}$  the age of 15 years at the time of the accident.

2. The said injured workman has, prior to the date of the deposit, received the following half-monthly payments, namely,

Rs.	on	Rs.	on
Rs.	on	Rs.	on
Rs.	on	Rs.	on

Dated 19 .

Employer.

\* An employer desiring to be made a party to the proceedings should strike out the words 'do not'.

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## FORM B

[SEE RULE 6]

## RECEIPT FOR COMPENSATION

Deposited under Section 8 (1) of the Workmen's Compensation Act

Book No.

Receipt No.

Register No.

Depositor

Deceased or injured workman

Date of deposit

19 .

Sum deposited Rs.

Commissioner.

## FORM C

[SEE RULE 6]

## STATEMENT OF DISBURSEMENTS

[Section 8 (4) of the Workmen's Compensation Act, 1923]

Serial No.

Depositor

Date		Rs.
	Amount deposited	
	Amount deducted and repaid to the employer under the Proviso to Section 8 (1)	
	Funeral Expenses paid	
	Compensation paid to the following dependants	
	Name Relationship	
	Total	

Commissioner.

Dated

19 .

FORM D

[SEE RULE 9]

DEPOSIT OF COMPENSATION FOR NON-FATAL ACCIDENTS,  
OTHER THAN TO A WOMAN OR PERSON UNDER LEGAL  
DISABILITY

[Section 8 (2) of the Workmen's Compensation Act, 1923]

Compensation amounting to Rs. \_\_\_\_\_ is hereby presented  
for deposit in respect of permanent  
temporary injuries sustained by  
residing at \_\_\_\_\_ which occurred on 19 .

Dated 19 .

Employer.

FORM E

[SEE RULE 9]

RECEIPT FOR COMPENSATION

[Deposited under section 8 (2) of the Workmen's Compensation  
Act, 1923.]

Book No.	Receipt No.	Register No.
Depositor		
In favour of		
Date of Deposit	19 .	
Sum deposited Rs.		

Commissioner.

FORM EE

[SEE RULE 11]

REPORT OF FATAL ACCIDENTS

To  
Sir,

I have the honour to submit the following report of an acci-  
dent which occurred on \_\_\_\_\_ (date) at \_\_\_\_\_ (here  
enter details of premises) \_\_\_\_\_, and which resulted in the  
death of the Workman  
Workmen of whom particulars are given in  
the statement annexed.

2. The circumstances attending the death of the Workman  
Workmen were as under :—

- (a) Time of accident ;
- (b) Place where the accident occurred ;
- (c) Manner in which deceased  $\frac{\text{was}}{\text{were}}$  employed at the time ;
- (d) Cause of the accident ;
- (e) Any other relevant particulars.

I have, etc.

(Signature and designation of the  
person making the report).

### STATEMENT

Name.	Sex.	Age.	Nature of employment.	Full Postal address.

### FORM F

[SEE RULE 20]

### APPLICATION FOR COMPENSATION BY WORKMAN

To the Commissioner for Workmen's Compensation,  
residing at \_\_\_\_\_, applicant

versus

residing at \_\_\_\_\_ opposite party.

It is hereby submitted that—

- (1) the applicant, a workman employed by (a contractor with) the opposite party on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (here insert briefly in ordinary language the cause of injury).

- (2) the applicant sustained the following injuries, namely :—
- (3) the monthly wages of applicant amount to Rs. ; the applicant is  $\frac{\text{over}}{\text{under}}$  the age of 15 years.
- \* (4) (a) Notice of the accident was served on the day of  
 (b) Notice was served as soon as practicable.  
 (c) Notice of the accident was not served (in due time) by reason of
- \* (5) the applicant is accordingly entitled to receive—  
 (a) half-monthly payments of Rs. from the day of 19 to  
 (b) a lump sum payment of Rs.
- (6) the applicant has taken the following steps to secure a settlement by agreement, namely  
 but it has proved impossible to settle the questions in dispute because
- \* You are therefore requested to determine the following questions in dispute, namely :—  
 (a) whether the applicant is a workman within the meaning of the Act,  
 (b) whether the accident arose out of or in the course of the applicant's employment  
 (c) whether the amount of compensation claimed is due, or any part of that amount  
 (d) whether the opposite party is liable to pay such compensation as is due,  
 (e) etc. (as required)

Dated the

Applicant.

FORM G  
 [SEE RULE 20]

APPLICATION FOR ORDER TO DEPOSIT COMPENSATION  
 To the Commissioner for Workmen's Compensation,

residing at  
 , applicant

versus

residing at  
 , opposite party.

It is hereby submitted that—

(1) a workman employed  
 by (a contractor with) the opposite party on the day  
 of 19 received personal injury

\*Strike out the clauses which are not applicable.

by accident arising out of and in the course of his employment resulting in his death on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_ . The cause of the injury was (here insert briefly in ordinary language the cause of the injury).

(2) The applicant(s)  $\frac{\text{is a}}{\text{are}}$  dependant(s) of the deceased workman, being his

(3) The monthly wages of the deceased amount to Rs.

The deceased was  $\frac{\text{over}}{\text{under}}$  the age of 15 at the time of his death.

\* (4) (a) Notice of the accident was served on the \_\_\_\_\_ day of

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (in due time) by reason of

(5) The deceased before his death received as compensation the total sum of Rs.

(6) The applicant(s)  $\frac{\text{is}}{\text{are}}$  accordingly entitled to receive a lump sum payment of Rs.

You are therefore requested to award to the applicant the said compensation or any other compensation to which he may be entitled.

Dated the \_\_\_\_\_

Applicant.

### FORM H

[SEE RULE 20]

### APPLICATION FOR COMMUTATION

(Under section 7 of the Workmen's Compensation Act, 1923)

To the Commissioner for Workmen's Compensation,

residing at  
, applicant

versus

residing at  
, opposite party.

It is hereby submitted that—

(1) The  $\frac{\text{applicant}}{\text{opposite party}}$  has been in receipt of half-monthly payments from \_\_\_\_\_ to \_\_\_\_\_ in respect of temporary disablement by accident arising out of and in the course of his employment.

(2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

---

\*Strike out the clauses which are not applicable.



- (3) (a) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.  
 (b) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.

You are therefore requested to pass orders—

- (a) directing that the right to receive half-monthly payments should be redeemed,  
 (b) fixing a sum for the redemption of the right to receive half-monthly payments.

Dated

Applicant.

---

FORM J

[SEE RULE 39]

NOTICE

Whereas a claim for compensation has been made by applicant, against , and the said has claimed that you are liable under section 12 (2) of the Workmen's Compensation Act, 1923, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of your appearance you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

Commissioner.

Dated

19 .

---

FORM JJ

[SEE RULE 39]

NOTICE

Whereas a claim for compensation has been made by applicant, against and the said has claimed that is liable under section 12 (2) of the Workmen's Compensation Act, 1923, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said on notice served has

claimed that you stand to him in the relation of a contractor from whom the applicant could have recovered compensation you are hereby informed that you may appear before me on and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party . In default of your appearance you will be deemed to admit the validity of any award made against the opposite party

and  
your liability to indemnify the opposite party  
for any compensation recovered from him.

Dated

.....  
Commissioner.

FORM K

[SEE RULE 48]

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the day of 19 , personal injury was caused to , residing at , by accident arising out of and in the course of employment in .The said injury has resulted in temporary disablement to the said workman whereby it is estimated that he will be prevented from earning more than any of his previous wages for a period of months. The said workman has been in receipt of half-monthly payments which have continued from the day of 19 until the day of 19 . amounting to Rs. in all. The said workman's monthly wages are estimated at Rs.

The workman is over the age of 15 years  
will reach the age of 15 years on

It is further submitted that the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs. in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of all disablement of a temporary nature arising out of the said accident, whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

Dated  
Signature of employer  
Witness

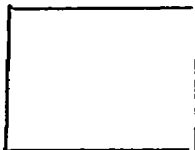
Signature of workman

Witness

(Note.—An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible).

*Receipt* (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs.



Workman.

Dated

19 .

The money has been paid and this receipt signed in my presence.

Witness.

Note.—This form may be varied to suit special cases e.g., injury by occupational disease, agreement when workman is under legal disability, etc.

FORM L

[SEE RULE 48]

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, personal injury was caused to \_\_\_\_\_, residing at \_\_\_\_\_, by accident arising out of and in the course of his employment in \_\_\_\_\_. The said injury has resulted in permanent disablement to the said workman of the following nature, namely :

The said workman's monthly wages are estimated at Rs. \_\_\_\_\_.

The workman is \_\_\_\_\_ over the age of 15 years  
will reach the age of 15 years on \_\_\_\_\_

The said workman has, prior to the date of this agreement, received the following payments, namely :—

Rs.	on	Rs.	on
Rs.	on	Rs.	on
Rs.	on	Rs.	on

## LABOUR AND FACTORY LEGISLATION

It is further submitted that \_\_\_\_\_, the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs. \_\_\_\_\_ in full settlement of all and every claim under the Workmen's Compensation Act, 1923, in respect of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.

Dated \_\_\_\_\_

Signature of employer

Witness

Signature of workman

Witness

(Note.—An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible.)

---

*Receipt* (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs. \_\_\_\_\_



Workman.

Dated \_\_\_\_\_

19 .

The money has been paid and this receipt signed in my presence.

Witness.

---

Note.—This form may be varied to suit special cases, e.g., injury by occupational disease, agreement when workman is under legal disability, etc.

FORM M

[SEE RULE 48]

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, personal injury was caused to \_\_\_\_\_, residing at \_\_\_\_\_, by accident arising out of and in the course of employment in \_\_\_\_\_. The said injury has resulted in temporary disablement to the said workman, who is at present in receipt of wages amounting to Rs. \_\_\_\_\_ - per month  
no wages. The said workman's monthly wages prior to the accident are estimated at Rs. \_\_\_\_\_. The workman is subject to a legal disability by reason of \_\_\_\_\_

It is further submitted that \_\_\_\_\_ the employer of the workman has agreed to pay and \_\_\_\_\_ on behalf of the said workman has agreed to accept half-monthly payments at the rate of Rs. \_\_\_\_\_ for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with the provisions of the said Act on account of an alteration in the earnings of the said workman during disablement. It is further stipulated that all rights of commutation under section 7 of the said Act are unaffected by this agreement. It is therefore requested that this memorandum be duly recorded.

Dated \_\_\_\_\_

Signature of employer \_\_\_\_\_

Witness \_\_\_\_\_

Signature of workman \_\_\_\_\_

Witness \_\_\_\_\_

(Note.—An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible).

---

*Receipt* (to be filled in when the money has actually been paid).

In accordance with the above agreement, I have this day received the sum of Rs.



Workman.

Dated 19 .

The money has been paid and this receipt signed in my presence.

Witness.

---

Note.—This form may be varied to suit special cases, e.g., injury by occupational disease, etc.

---

FORM N

[SEE RULE 49]

Whereas an agreement to pay compensation is said to have been reached between

and

and whereas

~~has~~  
~~have~~ applied for registration of the agreement under section 28 of the Workmen's Compensation Act, 1923, notice is hereby given that the said agreement will be taken into consideration on 19 , and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

Commissioner.

Dated 19 .

---

FORM O

[SEE RULES 49 AND 50]

Take notice that registration of the agreement to pay compensation said to have been reached between you and \_\_\_\_\_ on the \_\_\_\_\_ 19\_\_\_\_ has been refused for the following reasons, namely :—

Commissioner.

Dated \_\_\_\_\_ 19 \_\_\_\_ .

FORM P

[SEE RULE 50]

Whereas an agreement to pay compensation is said to have been reached between \_\_\_\_\_ and \_\_\_\_\_ and whereas \_\_\_\_\_ <sup>has</sup> <sub>have</sub> applied for registration of the agreement under section 28 of the Workmen's Compensation Act, 1923, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

an opportunity will be afforded to you of showing cause on \_\_\_\_\_ 19 \_\_\_\_ why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

Dated \_\_\_\_\_ 19 \_\_\_\_ .

Commissioner.

FORM Q

[SEE RULE 50]

Whereas an agreement to pay compensation is said to have been reached between \_\_\_\_\_ and \_\_\_\_\_ and whereas \_\_\_\_\_ <sup>has</sup> <sub>have</sub> applied for registration of the agreement under section 28 of the Workmen's Compensation Act, 1923, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :—

an opportunity will be afforded to you the said \_\_\_\_\_ 19 \_\_\_\_ of showing cause on \_\_\_\_\_ why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Dated \_\_\_\_\_ 19 \_\_\_\_ .

Commissioner.

## FORM R

[SEE RULE 52]

## REGISTER OF AGREEMENTS FOR THE YEAR 19 .

Serial number.	Date of agreement.	Date of registration.	Employer.	Workman.	Initials of Commissioner.	Reference to orders rectifying the register.

## Workmen's Compensation Act, 1923

BOMBAY GOVERNMENT RULES FOR THE GRANTING OF  
CERTIFIED COPIES AND PAYMENT OF ALLOWANCES TO  
WITNESSES

BOMBAY CASTLE, 12TH FEBRUARY 1925

No. 5925.—In exercise of the powers conferred by clauses (c) and (d) of section 33 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Governor in Council is pleased to make the following rules for the maintenance of registers by the Commissioner, for the granting of certified copies of proceedings before him and for the allowances to be paid to witnesses summoned by him :—

1. All applications presented to the Commissioner shall be registered in Register in Form A\*.

2. Every Commissioner shall maintain a separate register in Form B\* of fatal accidents which come to his knowledge either on account of deposits made by or on behalf of employers or because of applications made by dependants of a deceased workman for an order for deposit and payment of compensation.

3. Every Commissioner shall maintain a separate register in Form C\* of non-fatal accidents which come to his knowledge in any of the following ways :—

\* Appended.



6. In cases where a Commissioner has to issue summons to a witness either at the instance of a party to a proceeding before him, or on his own initiative, the allowances to be paid to the witness shall be on the same scale as obtains in the Court of Small Causes.

## Register of applications for the year 19 .

[illegible]

Register of fatal accidents for the year 19 .

FORM C (See Rule 3)  
Register of non-fatal accidents for the year 19 .

Register of non-fatal accidents for the year 19 .

[illegible]

BOMBAY CASTLE, 26TH FEBRUARY 1934

No. 9920.—In exercise of the powers conferred by clauses (e) and (g) of section 33 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Governor in Council is pleased to make the following rules, namely :—

1. The notice sent by a Commissioner under sub-section (1) of section 10-A of the Workmen's Compensation Act, 1923, hereinafter referred to as "the said Act", shall be in Form X and shall be accompanied by a copy of Form Y.

2. The statement submitted by an employer under section 10-A of the said Act shall be in Form Y.

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FORM X

Whereas I have received information that (1)  
a workman employed by you in (2)  
has died as the result of an accident arising out of and in the course of his employment, I hereby require you in accordance with section 10-A of the Workmen's Compensation Act, 1923, to submit to me within thirty days of the receipt of this notice the enclosed Form with the particulars required in paragraphs 1, 2 and 3 and the particulars required in either paragraph 4 or 5 duly filled in. In the event of your admitting liability to pay compensation, the necessary deposit must, under section 10-A (2) of the said Act, be made within thirty days of the receipt of this notice.

Commissioner for Workmen's Compensation.

Dated

194 .

---

FORM Y

1. In reply to your notice dated the 19 , which was received by me on the 19 , it is submitted that (1) . . . residing at a workman  
over 15 years of age employed in (2)  
under met with an accident on the 19 .

as a result of which he died on the 19 . The monthly wages of the deceased amounted to Rs.

2. The circumstances in which the deceased met his death were as follows

3. The deceased left the following dependants (3)

One of these paragraphs to be struck out. { 4. I admit liability to pay as compensation, on account of the deceased's death, the amount of Rs. . which <sup>was</sup>/<sub>will be</sub> deposited with you <sup>on</sup>/<sub>before</sub> the 19 ..

5. I disclaim liability to pay compensation on account of the deceased's death on the following grounds.

Employer.

- (1) Insert name of workman.
- (2) Insert name of establishment.
- (3) Insert names and addresses where known.

## Workmen's Compensation Act, 1923

### BOMBAY WORKMEN'S COMPENSATION RULES, 1934

BOMBAY CASTLE, 19TH SEPTEMBER 1934

No. 9920.—In exercise of the powers conferred by section 33 of the Workmen's Compensation Act, 1923 (VIII of 1923), and in suppresion of Government notifications specified below the Governor in Council is pleased to make the following rules, namely :—

- (1) Government Notification, General Department, No. 4486, dated the 2nd July 1924.
- (2) Government Notification, General Department, No. 5925, dated the 12th February 1925.
- (3) Government Notification General Department, No. 4486, dated the 12th January 1926.

- (4) Government Notification, Political and Reforms Department, No. 9920, dated the 26th February 1934.

PART I

PRELIMINARY

Short title

1. These rules may be called the Bombay Workmen's Compensation Rules, 1934.

Definitions

2. In these rules, unless there is anything repugnant in the subject or context,—

- (a) "The Act" means the Workmen's Compensation Act, 1923.
- (b) "Form" means a form appended to these rules.
- (c) "Section" means a section of the Act.

PART II

SCALES OF COSTS AND THE FEES PAYABLE IN RESPECT  
OF PROCEEDINGS BEFORE A COMMISSIONER

Costs

3. (1) Where the Commissioner directs that any costs shall not follow the event, he shall state his reasons in writing.

- (2) The costs which may be awarded shall include—

- (a) the charges necessarily incurred on account of court fees ;
- (b) the charges necessarily incurred on subsistence money to witnesses ; and
- (c) pleaders' fees on the scale prescribed in the following rule.

- (3) In any proceeding involving an application for compensation in the form of a lump sum, an application for commutation or an application for indemnification the fee allowed shall be Rs. 10 subject by special order of the Commissioner to diminution to a sum not less than Rs. 5 and to increase to a sum not more than Rs. 50 for each such proceeding. In all other applications, the fee allowed shall be Rs. 5 subject to increase by special order to a sum not exceeding Rs. 20.

(4) When a party engages more pleaders than one to conduct or defend a case, he shall be allowed one set of costs only.

(5) When several defendants having substantially one defence to make employ several pleaders, they shall be allowed one set of costs only. In such cases, it will be for the applicant, at the time of hearing, to ask for a direction of the Court that separate costs be not allowed.

(6) When two or more defendants having separate substantial defences have engaged the services of one pleader, they shall be allowed separate sets of costs. In this case, it will be for the defendants interested to apply at the hearing for separate costs.

(7) When several defendants having separate defences are represented by separate pleaders, they shall be entitled to separate costs.

#### Fees

4. The fees specified in column 3 of the subjoined schedule shall be payable in respect of the proceedings mentioned in the second column of the said schedule :—

#### SCHEDULE

No.	Description of proceedings	Amount of Fees
I. Applications for compensation		
(a)	Where compensation is claimed in the form of recurring payments	.. Eight annas.
(b)	Where compensation is claimed in the form of a lump sum	.. One rupee where the sum does not exceed Rs. 500 plus one rupee for each additional sum of Rs. 500 or fraction thereof.
II. Application for commutation—		
(a)	By agreement between the parties	.. Eight annas.
(b)	In all other cases	.. Two rupees.
III. Applications for the deposit of compensation—		
(a)	Under section 8 (1) of the Act	.. Nil.

- (b) Under section 8 (2) of the Act (in respect of each person to whom compensation is payable) .. Eight annas.
- IV. Application for distribution by dependants, for each dependant .. One rupee.
- V. Applications for review—
  - (a) Where the review claimed is the continuance, increase, decrease or ending of half-monthly payments Eight annas.
  - (b) Where the half-monthly payments are sought to be converted into a lump sum. .. Two rupees.
  - (c) In all other cases .. One rupee.
- VI. Applications for the registration of agreements—
  - (a) Where the application or the memorandum of agreement is signed by both parties .. Nil.
  - (b) In all other cases .. Eight annas.
- VII. Applications to summon witnesses—
  - (a) For the first witness mentioned in the application Eight annas.
  - (b) For every subsequent witness. Four annas.
- VIII. Applications for indemnification Three rupees
- IX. Applications for the recovery of compensation—
  - (a) Under an order already passed by the Commissioner Eight annas.
  - (b) In all other cases The same fee as payable on a similar application for compensation.
- X. All applications not otherwise provided for .. Eight annas.

N.B.—In the case of any application falling under the head X the Commissioner may, if he thinks fit, permit the application to be made without fee.

**Applicant may be required to deposit excess fees**

5. If in any case the Commissioner considers that he ought to pass orders granting relief of a different kind or to a different extent from that claimed by the applicant, and if the fee which would have been payable by the applicant on an application for the relief which the Commissioner considers to be due is greater than the fee which has actually been paid, the Commissioner may require the applicant to deposit fees to the extent of the difference.

**PART III****MAINTENANCE OF REGISTERS, LANGUAGE OF THE COURT  
RECORDS, CERTIFIED COPIES AND ALLOWANCE TO  
WITNESSES****Register of applications**

6. All applications presented to the Commissioner shall be registered in a register in Form A.

**Register of fatal accidents ..**

7. Every Commissioner shall maintain a separate register in Form B of fatal accidents which come to his knowledge either on account of deposits made by or on behalf of employers, or because of applications made by dependants of a deceased workman for an order for deposit and payment of compensation.

**Register of non-fatal accidents**

8. Every Commissioner shall maintain a separate register in Form C of non-fatal accidents which come to his knowledge in any of the following ways :—

(1) On account of applications for registration of memoranda of agreements.

(2) On account of applications for commutation of half-monthly payments.

(3) On account of amount of compensation deposited with the Commissioner under section 8 (2).

(4) On account of applications for settlement of claim made by the injured workman.



**Language of the record**

9. The record of the Commissioner shall be kept in the English language.

**Supply of certified copies to parties**

10. Certified copies of any papers in any proceedings before a Commissioner should be supplied to parties in accordance with the rules in Chapter XIII (in so far as they are consistent with the Act) of the Manual of Circulars issued by the High Court of Bombay for the guidance of Civil Courts.

**Allowances to witnesses**

11. In cases where a Commissioner has to issue summons to a witness either at the instance of a party to a proceeding before him, or on his own initiative, the allowances to be paid to the witness shall be on the same scale as obtains in the Court of Small Causes.

**PART IV**

**Fees to assessors**

12. Where in pursuance of the provisions of sub-section (2) of section 20 any person possessing special knowledge of any matter relevant to the case under inquiry is chosen by the Commissioner to assist him in holding the same, he shall be entitled to such fee as the Commissioner may fix, subject to a maximum of rupees fifty and a minimum of rupees twenty :

Provided that he shall be entitled to an additional fee of rupees ten.

- (a) for each extra case if he is required to sit in more than one case on the same day ; and
- (b) for each of the second and third days of any one case.

**PART V**

**NOTICE UNDER SECTION 10-A AND THE STATEMENT BY THE EMPLOYER IN REPLY THERETO**

13. The notice sent by a Commissioner under sub-section (1) of section 10-A shall be in Form D and shall be accompanied by a copy of Form E.

14. The statement submitted by an employer under section 10-A shall be in Form E.

**Register of Applications for the year 19 .**

[illegible]



FORM D  
(SEE RULE 13)

Whereas I have received information that (1)  
 , a workman employed by you in (2)  
 has died as the result of an accident arising  
 out of and in the course of his employment, I hereby require you  
 in accordance with section 10-A of the Workmen's Compensation  
 Act, 1923, to submit to me within thirty days of the receipt of this  
 notice the enclosed Form with the particulars required in para-  
 graphs 1, 2 and 3 and the particulars required in either paragraph  
 4 or 5 duly filled in. In the event of your admitting liability to pay  
 compensation, the necessary deposit must, under section 10-A (2)  
 of the said Act, be made within thirty days of the receipt of this  
 notice.

Commissioner for Workmen's Compensation.

Dated 194 .

- (1) Insert name of workman.  
 (2) Insert name of establishment.

FORM E  
(SEE RULE 14)

1. In reply to your notice dated the 19 which  
 was received by me on the 19 , it is submitted that  
 (1) residing at ,  
 a workman over 15 years of age employed in (2)  
under  
 met with an accident on the 19 as a result  
 of which he died on the 19 .  
 The monthly wages of the deceased amounted to Rs.

2. The circumstances in which the deceased met his death  
 were as follows :—

3. The deceased left the following dependants (3)

\*4. I admit liability to pay as compensation, on account of  
 the deceased's death, the amount of Rs. which will be  
was  
 deposited with you on the 19 .  
before

\*5. I disclaim liability to pay compensation on account of  
 the deceased's death on the following grounds :—

Employer.

- (1) Insert name of workman.  
 (2) Insert name of establishment.  
 (3) Insert names and addresses where known.

---

\*One of these paragraphs to be struck out.

## Workmen's Compensation Act, 1923

### WORKMEN'S COMPENSATION (TRANSFER OF MONEY) RULES, 1935

The 13th March, 1935 .

No. L.-3033.—In exercise of the powers conferred by section 35 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Governor General in Council is pleased to make the following rules for the transfer to any part of His Majesty's Dominions or to any other country of money paid to a Commissioner under the Act for the benefit of any person residing or about to reside in such part or country and for the receipt and administration in British India of any money awarded under the law relating to workmen's compensation in any part of His Majesty's Dominions or in any other country, and applicable for the benefit of any person residing or about to reside in British India.

#### RULES

##### Part I. (General)

1. (1) These rules may be called the Workmen's Compensation (Transfer of Money) Rules, 1935.

(2) They extend to the whole of British India including Berar, and every reference therein to British India shall be construed as including a reference to Berar.

2. In these rules, unless there is anything repugnant in the subject or context

(a) "the Act" means the Workmen's Compensation Act, 1923.

(b) "authorised officer" means any officer whom the Provincial Government may designate either generally or in respect of any area or class of cases, for the purpose of performing the functions assigned by these rules to the authorised officer,

(c) "transferring authority" means any authority in any part of His Majesty's Dominions or in any other country who transfers or causes to be transferred any lump sum awarded under the law relating to workmen's compensation in such part or country and applicable for the benefit of any person residing or about to reside in British India.

3. When any sum is transmitted by any authority in British India to any other authority in accordance with these rules, the costs of such transmission may be deducted from the sum so transmitted.

4. Money transmitted by any authority in British India to any other authority in British India in accordance with these rules, shall be transmitted by remittance transfer receipt or by money order.

**PART II.—Transfer of money paid to a Commissioner for the benefit of any person residing or about to reside in another country.**

5. When the whole or any part of a lump sum deposited with a Commissioner for payment as compensation under the Act is payable to any person or persons residing or about to reside in any other country, the Commissioner may order the transfer to that country of the sum so payable.

6. When the Commissioner has ordered the transfer of any sum under rule 5, he shall cause to be prepared and shall certify under his hand a memorandum containing a brief statement of the facts of the case, of the orders passed upon it, and of the name and address of each person to whom payment is to be made.

7. If the Commissioner is not himself the authorised officer he shall forward the memorandum in duplicate to the authorised officer and may either remit the sum to be transferred to the authorised officer or retain it and dispose of it in accordance with the directions of the authorised officer. If the Commissioner is himself the authorised officer, he shall proceed as provided in rule 8.

8. The authorised officer, after satisfying himself that the memorandum is complete, shall forward it, and remit or cause to be remitted the sum to which it relates by such means of safe transmission as he may consider convenient to the authority appointed in this behalf for the country to which the sum is to be transferred, or if no such authority has been appointed, to such authority as the Provincial Government may by general or special order direct, and shall at the same time request the authority addressed

- (a) to arrange for payment to be made in accordance with the directions contained in the memorandum ; and
- (b) to furnish him with a report of the action taken upon the memorandum and return any sum the payment of which is for any reason impossible.

9. (1) The authorised officer shall, if he is not the Commissioner with whom the matter originated, forward to such Commissioner a copy of any report received in response to a request made under rule 8

(2) Any sum returned in accordance with rule 8 shall be disposed of in accordance with the Act.

**PART III.—Receipt and administration in British India of any money awarded under the law relating to workmen's compensation in another country.**

10. (1) The authorised officer shall be the proper authority to receive moneys from transferring authorities.

(2) If any Commissioner or other Government servant, not being the authorised officer, receives any sum from a transferring authority he shall either forward such sum, together with any papers relating thereto, to the authorised officer for disposal or obtain the instructions of the authorised officer as to the disposal of the sum and papers and act in accordance with his instructions.

11. The authorised officer may himself dispose of any sum or part of any sum which he receives or of which he assumes control under rule 10 or may send it or any part of it for disposal to such Commissioner or Commissioners as he considers proper.

12. All sums received from a transferring authority shall be disposed of as far as possible in accordance with the provisions of the Act and the Workmen's Compensation Rules, 1924 :

Provided that the directions, if any, received from the transferring authority as to the manner in which the sum should be administered shall be complied with.

13. (1) The authorised officer shall forward to the transferring authority a report showing how the sum received from him has been disposed of.

(2) Any Commissioner, not being the authorised officer, who has disposed of any part of the sum, shall make a report in duplicate as to the disposal of that part to the authorised officer, and, if the sum was received by him from another such Commissioner acting in accordance with section 21 of the Act, shall forward his report through that Commissioner.

14. Any part of the sum received from the transferring authority which shall have remained undisbursed after the completion of the proceedings shall be returned to the transferring authority by, or under the direction of, the authorised officer.

## Workmen's Compensation Act, 1923

### UNCLAIMED DEPOSIT RULES, 1941

No 4644/34.—In exercise of the power conferred by section 32 of the Workmen's Compensation Act, 1923 (VIII of 1923), the Government of Bombay is pleased to make the following rules, namely :—

#### Short Title

1. These rules may be called, the Bombay Workmen's Compensation (unclaimed Deposits) Rules, 1941.

#### Definitions

2. In these rules, unless there is anything repugnant in the subject or context

(a) "Act" means the Workmen's Compensation Act, 1923.

(b) "Financial Year" means the financial year as defined in clause (4) of (19) of section 3 of the General Clauses Act, 1897 (III of 1897).

(c) "Section" means a section of the Act.

(d) "Treasury" means in the City of Bombay, the Reserve Bank of India and elsewhere, the Government Treasury.

(e) Words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act

3. Sums unclaimed for three years to be credited to Provincial Government :—

(1) when any person to whom any lump sum referred to in sub-section (7) of section 8 is payable dies, the Commissioner shall make an inquiry for ascertaining the person who is entitled to claim the said sum.

(2) If the Commissioner finds that there is no person who is entitled to claim the said sum and if no person claims the said sum for a period of three years from the date of the death of the person to whom the said sum was payable it shall at the end of the financial year, be paid into the Treasury to the credit of the Provincial Government as deposit unclaimed for the eventual benefit of any person who may duly establish his claim thereto.

4. List of sums unclaimed to be posted in the office of the Commissioner every year :—

(i) In the month of January of each year, a list showing sums which at the end of the Financial Year will be due for being credited to the Provincial Government under rule 3 and the names of the persons to whom the said sums were payable, shall be posted up in the Office of the Commissioner.



- (ii) If the said sums are not claimed before the 25th March in that year, the Commissioner shall pay the said sums into the Treasury to the credit of the Provincial Government on the afternoon of 25th March in that year.
- (iii) In the month of April following, the Commissioner shall furnish the Accountant General, Bombay, a statement of all the sums in serial order, the names of persons to whom they were payable and the dates on which the said sums were credited to the Provincial Government.

**Refund**

5. If any person proves to the satisfaction of the Commissioner that he is entitled to any sum credited to the Provincial Government under sub-rule (2) of rule 3, the Commissioner shall make an application in the Form A annexed thereto to the Accountant General, Bombay, for the refund of the said sum and the Accountant General, Bombay, shall refund the said sum to the Commissioner after verifying that it had been received by him and was credited to the Provincial Government under sub-rule (2) of rule (3).

**FORM A.**

**(RULE 5)**

**Application for Refund**

Office of the Commissioner  
for Workmen's Compensation,  
Date,

To

The Accountant General,  
BOMBAY.

Sir,

I have the honour to report that a claim has been preferred by \_\_\_\_\_ for the sum of Rupees \_\_\_\_\_ (Rupees \_\_\_\_\_) bearing serial No. \_\_\_\_\_ of 19 \_\_\_\_\_ in the statement furnished to you under sub-rule (3) of rule 4 of the Bombay Workmen's Compensation (Unclaimed Deposits) Rules, 1941, which was credited to the Provincial Government on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

(2) I have satisfied myself of the validity of the claim, and request that the Treasury Officer may be authorised to refund the said sum.

I have the honour to be,  
Sir,

Your most obedient servant,  
Commissioner of Workmen's Compensation.

## Workmen's Compensation Act, 1923

### NOTIFICATIONS

In exercise of the powers conferred by sub-section (1) of section 20 of the Workmen's Compensation Act, 1923 (VIII of 1923) the Provincial Government have extended the jurisdiction of the Commissioner for Workmen's Compensation, Bombay to all cases arising in the Presidency of Bombay under the said Act, to which the following are parties :—

(1) Hydro-Electric Companies under the management of Messrs. Tata Sons, Limited.

(2) The Great Indian Peninsula Railway.

(3) The Bombay Baroda and Central India Railway.

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No. 61/34.—In exercise of the powers conferred by rule 2 (b) of the Workmen's Compensation (Transfer of Money) Rules, 1935, the Governor in Council is pleased to designate the Commissioner for Workmen's Compensation, Bombay, as the authorised Officer generally for the purpose of performing the functions as assigned by the said rules to the authorised Officer

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No. 61/34.—In exercise of the powers conferred by sub-section (1) of section 124 of the Government of India Act, 1935 the Central Government is pleased to entrust to the Provincial Government with their consent, the functions of Government under rules 2 (b) and 8 of the Workmen's Compensation (Transfer of money) Rules 1935.

## PART II

# [The Cotton Ginning and Pressing Factories Act, 1925]\*

INDIA ACT NO. XII OF 1925.

### *An Act to provide for better Regulation of Cotton Ginning and Cotton Pressing Factories.*

Amended by Bombay Act, 4 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bombay Act, 20 of 1938.

Amended by Act 14 of 1939.

Amended by Act 9 of 1942.

Whereas it is expedient to provide for the better regulation of cotton ginning and cotton pressing factories ; It is hereby enacted as follows :—

#### Short title, extent and commencement

1. (1) This Act may be called the Cotton Ginning and Pressing Factories Act, 1925.

(2) It extends to the whole of British India<sup>2</sup> \* \* \* including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on such date as the<sup>3</sup>[Central Government] may, by notification in the<sup>4</sup>[Official Gazette] appoint.

#### Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

<sup>5</sup>[(aa) “admixture of cotton” means a prescribed mixture of different varieties of cotton ;]

(a) “bale” means any pressed package of cotton of whatever size or density ;

<sup>1</sup> For statement of Objects and Reasons, see *Gazette of India*, 1924, Pt. V, p. 115 ; and for Report of Select Committee, see *Gazette of India*, 1925, Pt. V., p. 59.

<sup>2</sup> The words and brackets “(except Burma)” were omitted by the Adaptation of Indian Laws Order in Council.

<sup>3</sup> These words were substituted for the words “Governor General in Council”, *ibid.*

<sup>4</sup> These words were substituted for the words “*Gazette of India*”, *ibid.*

<sup>5</sup> This clause was inserted by Bom. 4 of 1936, s. 2 (1).

Note :—This Act is published in the Bombay Government Gazette Part IV, Page 1-56 dated 16th March 1930.

- (b) "cotton" means ginned or unginned cotton, or cotton waste ;
- (c) "cotton ginning factory" means any place where cotton is ginned or where cotton fibre is separated from cotton seed by any process whatever involving the use of steam, water or other mechanical power or of electrical power ;
- (d) "cotton pressing factory" means any factory as defined in the Indian Factories Act, 1911<sup>1</sup> in which cotton is pressed into bales ;
- (e) "cotton waste" means droppings, strippings, fly and other waste products of a cotton mill or of a cotton ginning factory or of a cotton pressing factory, but does not include yarn waste ;
- (f) "Indian Central Cotton Committee" means the Indian Central Cotton Committee constituted under the Indian Cotton Cess Act, 1923, and includes any sub-committee appointed by it to perform any function of the Indian Central Cotton Committee under this Act ; and
- <sup>2</sup>[(ff) "licence" means a licence granted under section 2-A.]
- (g) "occupier" includes a managing agent or other person authorised to represent the occupier ;
- (h) "prescribed" means prescribed by or under rules made under this Act ;
- <sup>3</sup>[(i) ("Season" means such period as may from time to time be prescribed.)]

**Licence for working cotton ginning factory or cotton pressing factory**

<sup>4</sup>[2-A. (1) No cotton ginning factory or cotton pressing factory shall be worked without a licence granted to the owner thereof by such authority, in such form, subject to such conditions and on payment of such fee, as may be prescribed.]

<sup>1</sup> See now the Indian Factories Act, 1934 (25 of 1934), s. 2 (j)  
<sup>2</sup> This clause was inserted by Bom. 4 of 1930, s. 2 (2).  
<sup>3</sup> This clause was inserted, *ibid*, s. 2 (3).  
<sup>4</sup> This section was inserted, *ibid*, s. 8.

- (2) (a) A licence for which the prescribed fee has been paid shall be liable to be refused only on the ground that the owner or person in charge of a cotton ginning or cotton pressing factory in respect of which a licence is applied for has been convicted of an offence punishable under this Act.
- (b) A licence shall be liable to be suspended, withdrawn or cancelled only on the ground that the owner or person in charge of the cotton ginning or cotton pressing factory in respect of which a licence was granted has been convicted of an offence punishable under this Act :

Provided that no licence shall be suspended, withdrawn or cancelled under this clause until after the expiration of the season in which the said owner or person has been so convicted.

(3) If any person works a cotton ginning or cotton pressing factory in respect of which a licence has not been granted or has been suspended, withdrawn or cancelled, such person shall be punishable :—

- (a) on a first conviction, with fine which may extend to five hundred rupees and, if the offence has continued for more than one day, with an additional fine which may extend to one hundred rupees for every day subsequent to the first day during which the offence has continued ; and
- (b) on every subsequent conviction, with fine which may extend to fifteen hundred rupees and, if the offence has continued for more than one day, with an additional fine which may extend to two hundred rupees for every day subsequent to the first day during which the offence has continued.]

#### Maintenance of registers

3. (1) The owner of every cotton ginning factory shall cause to be maintained at the factory in such form, if any, as may be prescribed, a ginning register containing a record of all cotton ginned in the factory and of the names of the persons for whom and the dates on which the cotton has been ginned and of the amount ginned for each person.

(2) The owner of every cotton pressing factory shall cause to be maintained at the factory in such form, if any, as may be prescribed, a press register containing a daily record of the number of bales pressed in the factory, the serial number of each bale, <sup>1</sup> \* \* \* the name of the person for whom it has been pressed <sup>2</sup>[and the prescribed particulars as supplied by such person of the cotton ginning factory where it has been ginned.]

(3) The owner or the person in charge of a cotton ginning or cotton pressing factory shall be bound to produce any ginning register or press register maintained under this section when required to do so by any person appointed by the <sup>3</sup>[Provincial Government] in this behalf, and the owner or person in charge of any cotton pressing factory shall be bound to furnish to the Indian Central Cotton Committee, if so required by it in writing, a copy, certified as correct by the owner or person in charge of the factory, of the entry in any press register maintained at the factory relating to any specified bale.

(4) No register required to be maintained by this section shall be destroyed until after the expiration of three years from the date of the last entry therein.

(5) If—

(a) in any factory any register required by this section to be maintained is not maintained or is maintained in any form other than the form, if any, prescribed for the purpose, or

(b) any entry in any such register is proved to be false in any material particular, or

(c) any such register is destroyed before the expiration of the period referred to in sub-section (4),

the owner of the factory <sup>4</sup>[shall, on conviction, be punishable] with fine which may extend to fifty rupees or, if he has previously been convicted of any offence under this sub-section, to five hundred rupees.

<sup>1</sup> The word "and" was omitted, by Bom. 4 of 1936, s. 4 (1).

<sup>2</sup> These words were added by, *ibid*, s. 4 (2).

<sup>3</sup> These words were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

<sup>4</sup> These words were substituted for the words "shall be punished" by Bom. 4 of 1936, S. 12.

(6) If the owner or the person in charge of any factory fails to produce any register, or to furnish a certified copy of any entry, when required to do so under sub-section (3), or furnishes a certified copy of an entry knowing or having reason to believe such copy to be false, he <sup>1</sup>[shall, on conviction, be punishable] with fine which may extend to fifty rupees or, if he has previously been convicted of any offence under this sub-section, to five hundred rupees.

**Prohibition against watering, etc., of cotton**

<sup>2</sup>3-A. (1) The <sup>3</sup>[Provincial Government] may by notification in the <sup>4</sup>[Official Gazette] declare that in any area specified in such notification and to which this Act has been extended, no cotton which is ginned or pressed in a cotton ginning or cotton pressing factory shall contain any admixture of cotton.

(2) Any owner of a cotton ginning or cotton pressing factory or any person in charge of such factory—

- (a) who knowing or having reason to believe that any cotton is watered or contains seed in excess of the prescribed proportion or contains any foreign substance <sup>5</sup>[or cotton waste] gins or presses or allows such cotton to be ginned or pressed in such factory, or
- (b) who in any area specified in the notification under sub-section (1) gins or presses or allows to be ginned or pressed any cotton which he knows or has reason to believe to contain an admixture of cotton, shall, on conviction, be punishable with fine which may extend to five thousand rupees.

<sup>6</sup>\*

**Explanation**

For the purposes of this section, cotton shall not be deemed to be watered, unless such cotton contains moisture

<sup>1</sup> These words were substituted for the words "shall be punished" by Bom. 4 of 1936, s. 12.

<sup>2</sup> Sections 3A, 3B and 3C were inserted, *ibid*, s. 5.

<sup>3</sup> These words were substituted for the words "Local Government" by the Adaptation Indian Laws Order in Council.

<sup>4</sup> These words were substituted for the words "local Official Gazette," *ibid*.

<sup>5</sup> These words were inserted by Bombay. 20 of 1938, s. 2 (1).

<sup>6</sup> Sub-section (3) was deleted, *ibid*, s. 2 (2).

in excess of the normal quantity. The normal quantity of moisture in any given quantity of cotton is the amount of moisture that such cotton is reasonably expected to have, regard being had to the place or places at or to which, and the time or times of the year in which, such cotton has been picked, collected, stored, conveyed, left, ginned or pressed. A certificate given by the prescribed authority as to the normal quantity of moisture that a given quantity of such cotton should have and the quantity of moisture that it possesses shall be evidence of such matters, until the contrary is proved; and if the latter quantity exceeds the former it shall be evidence, until the contrary is proved, that the cotton is watered.

### **Penalty for making any cotton wet**

<sup>1</sup>[3-AA. Any owner of cotton who knowingly makes or causes to be made any cotton which is ginned and which is being or is intended to be pressed in a cotton pressing factory, wet, or mixes or causes to be mixed seed, foreign substance or cotton waste with such cotton, or in any area specified in sub-section (1) of section 3-A makes any admixture of cotton, or abets or knowingly allows or connives at any such act shall, on conviction, be punishable with fine which may extend to five thousand rupees.]

### **Examination of cotton, packages or bales**

3-B. (1) The <sup>2</sup>[Provincial Government] or any gazetted officer authorised by it in this behalf may on its or his own motion or on receipt of a complaint that there has been a contravention of the provisions of section 3-A <sup>3</sup>[or section 3-AA] in respect of any cotton, package or of any bale and in the case of a complaint, on payment of the prescribed fee by the complainant, cause such cotton or the contents of such package or bale to be examined by the prescribed person or body.

(2) A certificate given by such person after examination of the contents of any bale under sub-section (1) shall

<sup>1</sup> Section 3AA was inserted by Bom. 20 of 1938, s. 3.

<sup>2</sup> These words were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

<sup>3</sup> These words, figure and letters were inserted by Bom. 20 of 1938, s. 4.



be admissible in evidence and be presumptive proof of the facts mentioned therein until the contrary is proved.

### Entry and inspection

3-C. (1) The <sup>1</sup>[Provincial Government] may authorise any gazetted officer to enter into and inspect, at any reasonable time, any cotton ginning or cotton pressing factory for the purpose of ascertaining whether there is any contravention therein of any of the provisions of this Act or of any rule made thereunder or of any of the conditions subject to which a licence has been granted in respect of such factory and to seize all things in respect of which an offence punishable under this Act appears to have been committed.

(2) The owner or the person in charge of every cotton ginning or cotton pressing factory shall give every reasonable assistance to the inspecting officer in the performance of his duties under sub-section (1).

(3) The owner or the person in charge of such factory shall, in every instance, be permitted to attend during the inspection and the things seized during such inspection shall be sealed in the prescribed manner.

### Marking of bales

4. (1) The owner of every cotton pressing factory shall cause every bale pressed in the factory to be marked in such manner as may be prescribed, before it is removed from the press-house, with a serial number and with the mark prescribed for the factory.

(2) If any bale is removed from the press-house of any cotton pressing factory without having been marked as required by sub-section (1), the owner of the factory <sup>2</sup>[shall, on conviction, be punishable] with fine which may extend to fifty rupees.

### Returns

35. (1) The owner of every cotton ginning factory shall submit to the prescribed authority, within such time

<sup>1</sup> These words were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

<sup>2</sup> These words were substituted for the words "shall be punished" by Bom. 4 of 1930 s. 12.

<sup>3</sup> Section 5 was substituted for the original, *ibid*, s. 6.

in such form, as may be prescribed, monthly returns showing the quantity of cotton ginned in the factory during the preceding month and from the commencement of the season to the end of that month.

(2) The <sup>1</sup>[Provincial Government] shall compile from the monthly returns submitted under sub-section (1), and shall publish in such manner as <sup>2</sup>[it thinks fit], a statement showing the total quantity of cotton ginned in the province during the month and from the commencement of the season to the end of the month to which the returns relate :

Provided that the quantity of cotton ginned in any individual factory shall not be published.

(3) The owner of every cotton pressing factory shall submit to the prescribed authority, within such time and in such form, as may be prescribed, weekly returns showing the total number of bales of cotton pressed during the preceding week and from the commencement of the season to the end of that week, and the approximate average net weight of the bales pressed in that week.

(4) The <sup>1</sup>[Provincial Government] shall compile from the weekly returns submitted under sub-section (3), and shall publish in such manner as the <sup>3</sup>[Central Government] may direct, a statement showing the total number of bales pressed in the province during the week and from the commencement of the season to the end of the week to which the returns relate :

Provided that the number of bales pressed in any individual factory shall not be published.

(5) If default is made in submitting any return as required by sub-section (1) or sub-section (3), the owner of the factory shall, on conviction, be punishable with fine which may extend to fifty rupees.

(6) Where the owner of a cotton ginning or cotton pressing factory has notified to the prescribed authority that

<sup>1</sup> These words were substituted for the words " Local Government " by the Adaptation of Indian Laws Order in Council.

<sup>2</sup> These words were substituted for the words " the Governor General in Council may direct ", *ibid.*

<sup>3</sup> These words were substituted for the words " Governor General in Council ", *ibid.*

the work of ginning cotton or pressing bales in that factory has been suspended, it shall not be necessary for the owner to submit returns under sub-section (1) or sub-section (3) until such work has been resumed.

5-A. (1) This section shall be in force in Chief Commissioner's Provinces only ; but the Provincial Government of any other Province may, by notification in the Official Gazette bring this section into force in the Province.

(2) The owner of every Cotton Ginning Factory shall submit to the prescribed authority, within such time and in such form as may be prescribed, weekly returns showing the quantity of Cotton ginned in the Factory during the preceding week and from the commencement of the season to the end of that week.

(3) The Provincial Government shall compile from the weekly returns so submitted and shall publish in such manner as it thinks fit a statement showing the total quantity of cotton ginned in the Province during the week and from the commencement of the season to the end of the week, to which the returns relate :

Provided that the quantity of cotton ginned in any individual factory shall not be published.

(4) If default is made in submitting any return as required by sub-section (2) the owner of the factory shall be punished with fine which may extend to fifty rupees.

(5) The provision of sub-section (4) of section 5 apply to cotton Ginning Factories and the returns referred to in sub-section (2) of this section as they apply to cotton Pressing Factories and the returns referred to in sub-section (1) of section 5, and " season " in this section means the season as notified for the purposes of section 5.

### **Scales and weights**

6. (1) No scales or weights shall be used in any cotton ginning or cotton pressing factory other than <sup>1</sup>[the standard weights and measures, weighing and measuring instruments authorised under the Bombay Weights and Measures

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<sup>1</sup> These words and figures were inserted by Bom. 4 of 1930, s. 7.

Act, 1932, in districts or areas in which Parts II, III, V and VI of that Act are in force or elsewhere other than] the scales or weights, if any, prescribed the <sup>1</sup>[Central Government] as standard for the district in which the factory is situated.

(2) If in any factory any scale or weight is used in contravention of the provisions of sub-section (1), the owner of the factory <sup>2</sup>[shall, on conviction, be punishable] with fine which may extend to fifty rupees, or if he has been previously convicted of any offence under this sub-section to five hundred rupees.

#### Liability of lessee as owner

7. (1) Where the owner of a cotton ginning or pressing factory has leased the factory for a period of not less than one month, in the case of a cotton ginning factory, or three months, in the case of a cotton pressing factory, and the lessor retains no interest in the management or profits of the factory and notice of the lease has been given by the lessor and the lessee to the prescribed authority, the lessee shall be deemed to be the owner of the factory, from the date of the notice and for the period of the continuance of the lease, for the purposes of section 3, in respect of the registers maintained or to be maintained from that date and for that period, and for the purposes of sections <sup>3</sup>[3-A, 3-C] 4, 5, 5-A and 6<sup>4</sup>.

(2) On the termination of the lease the lessee shall hand over to the lessor the registers maintained under section 3, and the lessor shall forthwith report to the prescribed authority any default of the lessee in complying with the provisions of this sub-section or in maintaining the registers in accordance with the provisions of section 3.

(3) If default is made in handing over any register or making any report as required by this section, the lessor or the lessee, as the case may be, <sup>1</sup>[shall, on conviction, be punishable] with fine which may extend to fifty rupees.

<sup>1</sup> These words were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

<sup>2</sup> These words were substituted for the words "shall be punished" by Bom. 4 of 1936, s. 12.

<sup>3</sup> These figures and letters were inserted, *ibid*, s. 8.

<sup>4</sup> Added *vide* G. of I. Act IX of 1942.

<sup>5</sup> These words were substituted for the words "shall be punished" by Bom. 4 of 1936, s. 12.

**Liability on transfer of ownership**

8. (1) On a transfer of the ownership of a cotton ginning or pressing factory, the transferor shall hand over to the transferee the registers maintained under section 3, and the transferee shall forthwith report to the prescribed authority any default of the transferor in complying with the provisions of this sub-section or in maintaining the registers in accordance with the provisions of section 3.

(2) If default is made in handing over any register or making any report as required by sub-section (1), the transferor or the transferee, as the case may be, <sup>1</sup>[shall, on conviction, be punishable] with fine which may extend to fifty rupees.

**Structural requirements for factories**

9. (1) In the case of cotton ginning factories the construction of which is commenced after the commencement of this Act :—

- (a) gin-houses shall be provided with separate entrances and exits for the bringing in of unginned and the taking out of ginned cotton respectively, and
- (b) the factories shall be constructed in accordance with plans and specifications approved by the prescribed authority :

Provided that nothing in this sub-section shall apply to any factory in which only roller gins are used where the number of such gins is not more than four.

<sup>2</sup>[(1-A) In any cotton ginning factory, whether erected before or after the commencement of this Act—

- (a) no structural alterations or additions, the construction of which commenced after the 27th day of February 1939, shall be made so as to minimise the degree of compliance of the factory as a whole with the requirements set forth in clause (a) and (b) of sub-section (1), and
- (b) every structural addition (whether actually attached to any existing structure in the factory or not),

<sup>1</sup> These words were substituted for the words "shall be punished" by Bom. 4 of 1936, s. 12.  
<sup>2</sup> This sub-section was inserted by Act 14 of 1939, s. 2 (a).

the construction of which commenced after the last mentioned date, shall be constructed in accordance with plans and specifications approved by the prescribed authority :

Provided that nothing in this sub-section shall apply to any factory in which, after any alteration or addition has been made, only roll gins are used where the number of such gins is not more than four].

(2) Within such period after the commencement of this Act as may be prescribed, the owner of every cotton pressing factory in which cotton is handled on the ground floor shall cause the press-house to be paved or provided with other suitable flooring to the satisfaction of the prescribed authority.

(3) If the owner of any factory fails to comply with any provision of this section which is applicable to the factory, he <sup>1</sup>[shall, on conviction, be punishable] with fine which may extend to one hundred rupees.

(4) (a) Where the owner of a factory has been convicted under sub-section (3), the prescribed authority may serve on the owner of the factory an order in writing directing that such alterations shall be made in the factory before a specified date, as in the opinion of the said authority are necessary to secure compliance with the provisions of sub-section (1), <sup>2</sup>[ , sub-section (1-A)] or sub-section (2), as the case may be.

(b) Where the alterations are not made in accordance with the order served under clause (a) of this sub-section, the prescribed authority may serve on the owner and on the occupier, if any, of the factory an order in writing directing that the work of ginning or pressing cotton in such factory shall be suspended until the alterations have been made in accordance with the order served under clause (a) of this sub-section and the owner and the occupier, if any, shall be jointly and severally liable to fine which may ex-

<sup>1</sup> These words were substituted for the words "shall be punished" by Bom. 4 of 1936

<sup>2</sup> This comma, word, figure, letter and brackets were inserted, *ibid* s. 2 (b).

tend to fifty rupees for each day on which cotton is ginned or pressed in the factory in contravention of the order served under this clause.

### Liability of officers of a company

10. Where the person guilty of an offence under this Act is a company, every director, manager, secretary and other officer thereof who is knowingly a party to the default shall also be guilty of the like offence and liable to the like punishment.

### Cognizance of offences

11. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the District Magistrate or a Chief Presidency Magistrate or a Magistrate of the first class specially empowered in this behalf by the <sup>1</sup>[Provincial Government].

(2) No offence punishable under this Act shall be tried by any Court inferior to that of a Presidency Magistrate or of a Magistrate of the first class.

### Power of Magistrate to pass sentence

<sup>2</sup>[11-A. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, a Presidency Magistrate or a Magistrate of the First Class may pass any sentence provided for any offence punishable under this Act and the provisions of the said Code shall be deemed to have been amended accordingly].

### Power of the Central Government to make rules

12. The <sup>3</sup>[Central Government] may make rules to provide for—

- (a) the allotment of a special mark to be used by each pressing factory for the purpose of the marking of bales ;
- (b) the manner in which bales shall be marked ; and

<sup>1</sup> These words were substituted for the words " Local Government " by the Adaptation of Indian Laws Order in Council.

<sup>2</sup> This section was inserted by Bom. of 1936, s. 9.

<sup>3</sup> These words were substituted for the words " Governor General in Council " by the Adaptation of Indian Laws Order in Council.

# LABOUR AND FACTORY LEGISLATION

<sup>1</sup>[(c) the standard weights and scales to be used in cotton ginning and cotton pressing factories in any part of British India and the inspection of the same].

## Power of the Provincial Government to make rules

13. <sup>2</sup>(1) The <sup>3</sup>[Provincial Government] may, by notification in the <sup>4</sup>[Official Gazette] make rules consistent with this Act to provide for all or any of the following matters, namely :—

(a) the forms in which registers, records and returns are to be maintained or submitted, and the inspection of records and registers.

<sup>5</sup>[(aa) what shall constitute an admixture of cotton ;  
(ab) the period which shall from time to time constitute a season :

(ac) the authority by whom, the form in which, the conditions subject to which and the fees on payment of which, a licence may be granted under sub-section (1) of section 2-A ;

(ad) the particulars of the cotton ginning factory to be entered in the register maintained under sub-section (2) of section 3 ;

(ae) the proportion of seed which may be contained in cotton ;

(af) the person authorised to give a certificate regarding the quantity of moisture contained in any cotton and other matters specified in section 3-A ;

(ag) the person authorised to examine bales under section 3-B ;

(ah) the procedure for making a complaint and causing the contents of a bale to be examined and the fee for examination of the contents of a bale under sub-section (1) of section 3-B ;

(ai) the manner in which the things seized shall be sealed under section 3-C].

<sup>1</sup> This clause was substituted for the original clause, by the Adaptation of Indian Laws Order in Council.

<sup>2</sup> Section "13" was renumbered as section "18 (1)" by Bom. 4 of 1936, s. 10 (2).

<sup>3</sup> These words were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

<sup>4</sup> These words were substituted for the words "local Official Gazette," *ibid*.

<sup>5</sup> These clauses were inserted by Bom. 4 of 1936, s. 10 (1).



(b) the appointment of the authority to whom and the time within which the returns required by sections 5 and 5-A shall be made.

<sup>1</sup>(c) \* \* \* \* \*

(d) the appointment of authorities for the purposes of sections 7, 8 and 9 ;

(e) the manner of service of orders made under section 9 ;

(f) the powers of entry and inspection which may be exercised by District Magistrates or by any officer specially empowered in this behalf by the <sup>2</sup>[Provincial Government] ;

(g) any other matter which is to be or may be prescribed or for which provision is necessary in order to carry out the purposes of this Act.

<sup>3</sup>[(2) The rules to be made under sub-section (1) shall be subject to the condition of previous publication.

(3) Rules made under sub-section (1) shall as soon as they are made be laid <sup>4</sup>[before each Chamber of the Provincial Legislature] for a period of one month and shall be liable to be modified or rescinded by a resolution <sup>5</sup>[passed by each of the Chambers during] the session thereof immediately following the expiry of the said period ; such rule shall, after notification in the <sup>6</sup>[Official Gazette] be deemed to have been modified or rescinded accordingly :

Provided that when, in the opinion of the <sup>2</sup>[Provincial Government], such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, the <sup>2</sup>[Provincial Government] may, by notification in the <sup>6</sup>[Official Gazette] declare that the modification or rescission shall have no effect and thereupon the rule shall remain in force as if it had not been modified or rescinded.]

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1 Clause (c) was omitted by the Adaptation of Indian Laws Order in Council.

2 These words were substituted for the words " Local Government " *ibid.*

3 Sub-sections (2) and (3) were added by Bom. 4 of 1930, s. 10 (2).

4 These words were substituted for the words "upon the table of the Bombay Legislative Council " by the Adaptation of Indian Laws Order in Council.

5 These words were substituted for the words " tabled at " *ibid.*

6 These words were substituted for the words " local official Gazette " *ibid.*

7 Added *vide* G. of I. Act IX of 1942.

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Power to reject unmarked bales in fulfilment of contracts

1(1) After the expiration of one year from the

Act any person who has made

require the

**Power to reject unmarked bales in fulfilment of contract.**

" 14. (1) After the expiration of one year from the commencement of this Act, any person who has made a contract for the purchase of baled cotton may require that no bales other than bales marked <sup>2</sup>[with the mark prescribed under section 4 for the factory in which they were pressed,] shall be supplied in fulfilment of such contract; and, if he does so require, no bale not so marked shall be tenderable in fulfilment of the contract :

\* \* \*

\*  
in accordance with the provi  
Indian Evi

4[(2) Any bale marked in accordance with the provisions of section 4 shall, within the meaning of the Indian Evidence Act, 1872, be presumed for all purposes as between the parties to a contract for the purchase of baled cotton, to have been so marked before leaving the factory in which it was pressed.]

**Protection for acts done under Act**

**Protection for acts done under Act**

15. No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act.

## Penalty

**Penalty**  
 6[16. Whoever contravenes any of the provisions of this Act or any rule made thereunder or any of the conditions subject to which a licence has been granted to him shall, on conviction, if no other penalty is already provided in this Act for such contravention, be punishable with fine which may extend to five hundred rupees or, if he has previously been convicted of an offence under this Act or any rule made thereunder, with fine which may extend to fifteen hundred rupees.

**Compounding offences, etc.**

**Compounding offences, etc.**  
 517. (1) The District Magistrate may accept from any person whose licence is liable to be suspended, withdrawn or cancelled under this Act, or who is reasonably suspected

1 Section 14 was renumbered as section 14 (1) by Act 14 of 1989, s. 8 (1).  
 2 words were substituted for the words and figure "in accordance

2 These words  
ibid., s. 8 (1) (a).

2 These words were substituted, *ibid.*, s. 3 (1) (a).  
3 The word "and" was omitted, *ibid.*, s. 3 (1) (b).  
4 The word "and" was omitted, *ibid.*, s. 3 (2).

3 The proviso was omitted, *ibid.*, s. 3 (2).  
4 Sub-section (2) was added, *ibid.*, s. 3 (2).

5 Sections 16 and 17 were added by Bom. 4 of 1986, s. 11.

of having committed an offence under this Act, a sum of money in lieu of such suspension, withdrawal or cancellation or by way of composition for the offence which may have been committed, as the case may be.

(2) On payment by such person of such sum to the District Magistrate such person if in custody shall be set at liberty and if criminal proceedings shall have been instituted against such person, the composition shall be held to amount to an acquittal.]

## The Cotton Ginning and Pressing Factories Act, 1925

### THE BOMBAY COTTON GINNING AND PRESSING FACTORIES RULES, 1925

BOMBAY CASTLE, 25TH AUGUST 1925

No. 6389-A.—In exercise of the powers conferred by section 13 of the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925), the Governor in Council is pleased to make the following rules to provide for the following matter, namely :—

#### Short title

1. These rules may be called the Bombay Cotton Ginning and Pressing Factories Rules, 1925.

#### Definition

2. In these rules "Act" means the Cotton Ginning and Pressing Factories Act, 1925, and "Section" means a section of the said Act.

2-A. An admixture of cotton within the meaning of clause (aa) of section 2 shall mean such mixture of different varieties of cotton in respect of any area as may be notified by the Provincial Government in the Official Gazette.

#### Season

2-B. The following period shall constitute a season in each year :—

- (1) In the districts of East and West Khandesh and Nasik. 1st October to 15th June.
- (2) In the districts of Belgaum, Dharwar, Bijapur and Kanara. 1st March to 31st July

- (3) In the districts of 15th January to 30th June.  
Ahmedabad, Kaira,  
Surat and Broach and  
Panch Mahals.
- (4) In other areas .. 1st August to 31st July.

### Licence

2-C. (1) An application for the grant of a licence under sub-section (1) of section 2-A shall be made by the owner of a cotton ginning factory or a cotton pressing factory to the Collector within the local limits of whose jurisdiction such factory is situated.

(2) The fee on payment of which a licence for a cotton ginning factory or a cotton pressing factory shall be granted shall be Rs. 10. Every application for a license shall be supported by a treasury receipt showing the payment of the said amount of Rs. 10 in the treasury. Every license shall remain in force for one year from the date of its commencement, which shall be entered in the license and on the expiry of the said period a fresh license shall be granted only on payment of a fresh fee of Rs. 10.

(3) Subject to the restrictions imposed by or under the Act, or under these rules, a licence shall be issued in the form in Schedule 'E' hereto.

(4) No licence for any cotton ginning or cotton pressing factory constructed after the commencement of these rules shall be granted except upon the production of a certificate from the Inspector of Factories within the local limits of whose jurisdiction such factory is situated that the provisions of sub-sections (1) and (2) of section 9 have been complied with.

(5) In cases in which the grant of the certificate referred to in sub-rule (4) and of the licence is likely to be delayed owing to the Inspector of Factories not being able to verify whether the provisions of sub-section (1) or (2) of section 9, as the case may be, have been complied with, the Collector may, on payment of a fee of Rs. 10, and on the production of a certificate from such Inspector of Factories, that—

- (a) in the case of a cotton ginning factory, the plans and specifications have been approved by him, and
- (b) in the case of a cotton pressing factory, the flooring of the press house is suitable

issue a provisional licence.

Such licence shall be in the form in Schedule E hereto and shall be marked provisional. It shall remain in force for one year provided that the Collector may cancel it before the expiry of the said period.

**Forms of Registers, etc.**

3. (1) The ginning register under sub-section (1) of section 3 shall be maintained in the form of Schedule A hereto.

(2) The Press register under sub-section (2) of section 3 shall be maintained in the form of Schedule B hereto.

(3) The weekly returns of bales of cotton pressed, under sub-section (3) of section 5 shall be submitted in the form of Schedule C hereto.

(4) The monthly returns under sub-section (1) of section 5 of the Act showing the quantity of cotton ginned shall be submitted in the form of Schedule F hereto.

**Particulars of cotton ginning factories**

3-A. The particulars of a cotton ginning factory to be entered in the register maintained under sub-section (2) of section 3 shall include the name of the factory, its situation and the name of the owner or lessee.

**Proportion of seed**

3-B. The proportion of seed prescribed under sub-section (2) (a) of section 3A shall be one per centum.

**Authority competent to give a certificate of moisture**

3-C. (1) For the purposes of section 3-A the Director of Agriculture or the Deputy Director of Agriculture of the Division concerned shall be the authority competent to give a certificate as to the normal quantity of moisture which a given quantity of cotton should have, and the quantity of moisture which it actually possesses.

(2) Such certificate may be based on—

- (a) an analysis of the cotton carried out at any Agricultural Research Station of the Agricultural Department in the Province of Bombay or at the laboratory of the Indian Central Cotton Committee, Matunga, Bombay, at the request of the Director of Agriculture, or
- (b) the report of such members of the East India Cotton Association, not less than two in number, selected by the Board of Directors of the East India Cotton Association at the request of the Director of Agriculture from the panel of arbitrators elected under the rules in force for the time being of the said Association.

**Complaint of offences**

3-D. (1) A complaint that there has been a contravention of section 3-A or 3-AA in respect of any cotton, package or bale shall be made in writing to the Director of Agriculture or the

# LABOUR AND FACTORY LEGISLATION

Deputy Director of Agriculture of the Division in which cotton was pressed and shall be accompanied by a sample of the cotton complained of :

Provided that no such complaint shall be entertained unless a fee of rupees fifty in respect of such cotton or of rupees ten in respect of each such package or bale with a minimum fee of rupees fifty, is paid at the time of making the complaint.

(2) The Director of Agriculture or the Deputy Director of Agriculture of the Division concerned, on receipt of such complaint, shall cause the cotton, package or bale in respect of which the complaint has been made to be seized and sealed and shall examine the same himself or forward it for examination and report to any other authority prescribed in rule 3E.

Note.—The fee prescribed in sub-rule (1) shall be recoverable in the case of bales in respect of the actual number of bales to be opened for examination (subject to a minimum of 10 per cent of a consignment) and not in respect of the total number of the bales in respect of which the complaint is made.

**Authority competent to examine cotton, etc.**

3-E. The authorities competent to examine such cotton or the contents of such package or bale shall be—

- (1) the Director of Agriculture,
- (2) the Deputy Director of Agriculture, or
- (3) any two persons appointed by the Board of Directors of the East India Cotton Association at the request of the Director of Agriculture from the panel of arbitrators elected under the rules in force for the time being of the said Association. An appeal shall lie against the decision of these two persons, to the Appeal Committee of the Association. The decision of these two persons, if no appeal is filed against it within seven days or of the Appeal Committee of the Association if an appeal has been filed shall be final.

**Sealing of Cotton seized**

3-F. After the examination referred to in rules 3-D and 3-E the cotton, package or bale shall be resealed in the manner prescribed in rule 3-G.

**Manner of sealing**

3-G. All things seized and required to be sealed under the Act shall be sealed with the official seal of the officer sealing the same and, if the owner or the person in charge of the factory so desires, also with the seal, if any, which he may provide for this purpose.

**Power to examine registers**

4. The District Magistrate or any officer specially empowered by the Provincial Government to enter and inspect Cotton ginning or Cotton pressing factories may when making such inspection, examine the registers mentioned in rule 3 and test the accuracy of the entries therein made.

**Returns under section 5**

5. (1) The returns under section 5 shall be submitted to the Director of Agriculture.

(1-A) The monthly returns under sub-section (1) of section 5 of the Act shall be for the period of a month and shall be posted not later than the first day of the month following. The first such returns shall be for the month ending on the 30th September 1940.

(2) The weekly returns under sub-section (3) of section 5 of the Act shall be for the seven days ending on the Friday of each week and shall be posted not later than the following day. The first return shall be for the week ending the 4th day of September 1925.

(3) When a pressing factory finally ceases work for the season a statement to that effect shall be made in the last weekly return.

(4) The statements to be compiled under sub-sections (2) and (4) of section 5 of the Act shall be published in the form of Schedules G and D hereto respectively.

6, 6A, 6B, 6C, 7, 7A, 7B, 7C, 7D, 7E, 7F, 7G, 8, 8A, 8B and 9.—  
—Omitted.

**Authorities for the purposes of sections 8 and 9**

10. (1) The prescribed authority for the purposes of sections 7 and 8 shall be the Collector of the District in which the factory is situated.

(2) The prescribed authority for the purpose of sub-sections (1) and (1-A) of section 9 shall be the Inspectors of factories appointed under the Factories Act, 1934, for the area in which the factory is situated.

(3) The prescribed authority for the purposes of sub-sections (2) and (4) of section 9 shall be the Commissioner of Labour, Bombay.

(4) The service of any order under section 9 of the Act shall be deemed to have been effected, unless the contrary is proved, if a letter containing the order is properly addressed and sent by registered post to the owner.

**Power to enter and inspect factories**

11. The District Magistrate or other Officer specially empowered in this behalf by the Provincial Government may, at any

time during the usual working hours, enter any cotton ginning or cotton pressing factory and may make such inspection of the premises and machinery and of any prescribed registers as he may deem necessary for the purpose of the Act and of any rules made thereunder.

**Press mark to be exhibited**

12. The owner of every pressing factory shall exhibit in a conspicuous place a notice showing the mark allotted to the factory under section 12 of the Act.

13. Cancelled.

### SCHEDULE A

[SEE SUB-RULE (1) RULE 3.]

#### Ginning Register

Name and number of Factory	Name and address of owner	Name of registered lessee (if any)	Year	Month

Names of persons for whom cotton was ginned	Quantity (by weight) in lbs. avoirdupois of kapas or cotton ginned for each person in column 1		Dates on which ginned	Remarks	Signature of owner or person in charge of the factory or person authorised by owner
	Kapas	Cotton			
1	2	3	4	5	6
(1)					
(2)					
etc.					



SCHEDULE B

[SEE SUB-RULE (2) OF RULE 3.]

Cotton Press Register

Name and No. of Factory	Name and address of owner	Name of registered lessee (if any)	Press Mark	Year

Date		Total number of bales pressed	Serial number of bales pressed	Names of persons for whom pressed	Note:—( In these columns may be entered the weights of the bales, average weights etc., to facilitate the preparation of the returns under section 5).			Signature of owner or person in charge of the Factory or person authorised by owner.
Day	Month							
1	2	3	4	5	6	7	8	9
				1				
				2				
				etc.				

SCHEDULE C

[SEE SUB-RULE (3) OF RULE 3.]

Return of Cotton pressed for the week ending

19 .

Name and No. of Pressing Factory	Name of owner	Name of registered lessee (if any)	Press Mark

Correct Postal Address of Factory—

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Number of bales pressed during the week.	Average nett weight per bale pressed during the week in lbs. avoirdupois.	Number of bales pressed since the commencement of the season (i. e. since September 1st, 10 ) to the end of the week.	Remarks.
1	2	3	4

Dated

19

Signature of owner or person in charge.

SCHEDULE D.

[SEE SUB-RULE (4) OF RULE 5.]

Statement of Cotton pressed in the Province of Bombay for the week ending

19 .

[Section 13 (c) of the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925).]

Name of District	Number of bales pressed		Number of bales pressed		Districts included in the Block.
	During the week	During the corresponding week last year	Sample of the cotton ginned for export during the week ending September 13 .	During the corresponding week last year	
(1) The Konkan and the Port of Bombay.	1	2	3	4	(5) Thana, Kolaba and the Island of Bombay.
(2) Gujarat					Ahmedabad, Kaira, Bhavnagar and Panch Mahals and Surat.
(3) North Deccan					West Khandesh, East Khandesh and Nand.
(4) East Deccan					Ahmednagar, Solapur and Bijapur.
(5) West Deccan and Southern Maratha Country.					Poona, Satara, Ratnagiri, Belgum, Dhule and Kanara.
Total for the Province of Bombay excluding Konkan and Port.					Note. Cotton pressed in the Konkan and Port Block is mainly re-pressed cotton or cotton waste.

## SCHEDULE E

## FORM OF LICENCE (RULE 2-C)

1. Name of Factory
2. Description of the Place where it is situated.
3. Name, description and place of residence of the owner of the factory
4. Purpose for which licence is granted.
5. Date of commencement of licence.
6. Fee paid

**Conditions**

This licence is granted subject to the provisions of the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925), and the Bombay Cotton Ginning and Pressing Factories Rules, 1925.

It shall remain in force for one year from the date of its commencement.

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SCHEDULE F

[SEE SUB-RULE (4) OF RULE 3.]

(To be printed on post card)

## GINNING RETURN

District

Number of Ginning Factory.

[Return under sub-section (1) of section 5 of the Cotton Ginning and Pressing Factories Act.]

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Return showing quantity of Cotton ginned for the month ending  
19 .

Name of Ginning Factory with correct Postal Address

Name of Owner or of Registered Lessee (if any)

[illegible]

**Dated**

19 .

**Signature of owner or person in charge.**

**SCHEDULE G**  
**[SEE SUB-RULE (4) OF RULE 5.]**  
**GINNING RETURN**  
**[Sub-section (2) of section 5 of the Cotton Ginning and Pressing Factories Act, 1925.]**

1	Name of Division or Block.	Quantity (in Bojas of 382 lbs. each) of cotton ginned.				Districts included in the Block.
		During the month.	During the corresponding month last year.	Since the commencement of the season, i.e. since 1st September 19 .	During the corresponding period last year	
		2	3	4	5	6
		Bojas.	Bojas.	lbs.	Bojas.	lbs.
1.	The Kolan and the Port of Bombay					
2.	Gujrat					
3.	North Deccan					
4.	East Deccan					
5.	West Deccan and Southern Maratha Country.					
	Total for the province					

Thanna, Kolaba and the Island of Bombay.  
 Ahmedabad, Kaira, Broach and Panch Mahals and Surat.  
 West Khandesh, East Khandesh, and Nasik.  
 Ahmednager, Sholapur and Bijapur.  
 Poona, Satara, Ratnagiri, Belgaum, Dharwar and Kanara.

Poona, dated

19 .

Director of Agriculture,  
 Bombay Province, Poona.

**Rules framed by the Government of India under the Cotton Ginning and Pressing Factories Act.**

**Short title and commencement**

1. (1) These rules may be called the Indian Cotton Ginning and Pressing Factories Rules, 1925.

(2) They shall come into force on the eighth day of August 1925.

**Definition**

2. In these rules—

“Act” means the Cotton Ginning and Pressing Factories Act, 1925.

“Section” means a section of the Act.

3. The owner or lessee of every cotton pressing factory shall apply to the authority appointed to receive returns under subsection (1) of section 5 for the allotment of the mark required by section 4 to be used for such factory. Such application shall be made in the case of factories in existence at the commencement of these rules, on or before the 1st September 1925, and in case of factories constructed thereafter, not less than one month before work commences in the factory :

Provided that the authority aforesaid may at any time allot the mark to be used in a factory in respect of which no application has been made and may intimate the allotment to the owner of such factory.

**Special marks**

4. (1) The special mark allotted to each factory shall consist of a letter denoting the province in which the factory is situated together with a number denoting the factory.

(2) The letters denoting the province shall be as follows :—

For presses situated in the Province of Bombay, the letter B.

For presses situated in Sind, the letter S.

(3) The numbers denoting the factory shall run consecutively within each province.

**Marks not transferable**

5. No special mark once allotted shall be transferred to another factory :

Provided that when a press is transferred from one province to another, the original allotted mark shall no longer be used and application shall be made to the prescribed authority for the allotment of a fresh mark,

**Serial Number**

6. The serial number shall consist of two parts. The first part shall consist of two numerals being the last two integers of the calendar year in which the cotton year has commenced and the second part shall be the running number of the bale according to the press factory register. A new series of running numbers shall be started at the commencement of each cotton year. The cotton year shall commence on the 1st day of September in each calendar year and shall terminate on the 31st day of August next following, except in the Madras Presidency where the dates for the commencement and ending of the cotton year shall be the 1st day of February and the 31st day of January respectively.

7. Every bale of cotton pressed in a cotton pressing factory shall be marked in the following manner :—

(1) The Special Mark and the Serial Number shall be in English figures and letters and shall be decipherable.

(2) The Special Mark and the Serial Number shall be punched on one or more of the hoops or stencilled on the hessian on the lashed side of the bale or may be both so punched and stencilled, provided however that if stencilled such mark, and Number shall not be stencilled on an end hessian.

8. The inspection of weights and scales used in the cotton ginning and cotton pressing factories in the Provinces of Bombay and Sind shall be carried out in accordance with the provisions of the Bombay Weights and Measures Rules, 1934.

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## The Cotton Ginning and Pressing Factories Act, 1925

### NOTIFICATIONS

BOMBAY CASTLE, 2ND AUGUST 1940

No. 5956/28.—In exercise of the powers conferred by rule 2-A of the Bombay Cotton Ginning and Pressing Factories Rules, 1925, the Government of Bombay is pleased to notify that in respect of the areas specified in column 1 of Schedule I hereto annexed, an admixture of cotton shall mean a mixture of the varieties of cotton specified opposite thereto in column 2 of the said Schedule.

2. The characteristics of the varieties of cotton referred to in Schedule I are fully described in Schedule II hereto annexed.



SCHEDULE I

<p>Areas</p> <p>1</p>	<p>Names of the varieties of cotton</p> <p>2</p>
<p>(1) Surat Area consisting of (a) that portion of the Surat district bounded on the west by the sea and on the east by the eastern boundary of the Walod Mahal and on the north by the Tapti river and on the south by the Mindhola river up to the point where the Mindhola river is met by the Bardoli Walod road and thence along that road up to the boundary of the village of Pavaran and thence along the western boundary of the Walod mahal up to the Purna river and thereafter the Purna river upto the eastern boundary of the Walod mahal ; and (b) the Railway stations of Sachin, Udhna and Surat on the B.B. &amp; C.I. Railway and Nio, Chalthan, Gangadhra, Bardoli, Timberva and Madhi on the Tapti-Valley Railway.</p>	<p>(1) Selection 1-A. (2) Local. (3) Goghari.</p>
<p>(2) South Surat Area consisting of (a) that portion of the Surat district lying between the Par river on the south and on the north the Mindhola river up to the point where the Mindhola river is met by the Bardoli-Walod road and thence along that road up to the boundary of the village of Pavaran and thence along the western boundary of the Walod mahal up to the Purna river and thereafter the Purna river upto the eastern boundary of the Walod mahal and bounded on the west by the sea and on the east by the eastern boundary of the Surat district ; and (b) the Railway stations of Maroli, Navsari, Vedcha, Amalsad, Billimora, Dungri, Bulsar, Gandevi, Kalvach, Chikhli Road, Ran-kuwa, Dholikuwa and Anawal.</p>	<p>Ditto.</p>
<p>(3) Ankleshwar Area consisting of (a) the Ankleshwar taluka and Hansot mahal of the Broach and Panch Mahals district south of the river Narbudda ; and (b) the Railway stations of Panoli, Ankleshwar and Kosamba.</p>	<p>Ditto.</p>

Arcas 1	Names of the varieties of cotton 2
(4) Dharwar, Belgaum and Bijapur districts	(1) Local Kumta. (2) New Cross. (3) Hagari. (4) Waradi or N.R. (5) Old Cambodia. (6) New Cambodia. (7) Dharwar American or Vilayati. (8) Gadag No. I.
(5) Gadag and Ron talukas of Dharwar district	(1) Local Kumta. (2) New Cross. (3) Hagari. (4) Dharwar American or Vilayati. (5) Waradi or N.R. (6) Old Cambodia. (7) New Cambodia. (8) Jayawant.

## SCHEDULE II

## Characteristics of the varieties of cotton mentioned in Schedule I.

Name of variety	Seed-cotton		Lint			Cotton seed			
	Ginning percent- age. 2	Feel.	Staple length. 4	Feel.	Colour.	Size.	Colour.	Fuzziness.	Shape.
1	3	5	6	7	8	9	10		
Selection 1A	36 to 39	Rough	Medium 7/8"	Rough	White	Small	Slightly dark	Less fussy	Bulged at the base
Local	32 to 33	Slightly smooth.	Medium 3/4" to 7/8"	Slightly smooth	Do.	Smaller	Do.	Do.	Do.
Goghari	38 to 42	Coarse	Short 1 1/2" to 5/8"	Coarse	Bright white	Small	Do.	Least fussy	Do.
Local Kumta	24 to 20	Soft	5/8" to 6/8"	Soft	Brownish white	Small and larger mixed.	Dull brown	Slightly fussy	Uniform; round base, apex con- cal.
New Cross	32 to 34	Rough	4/8" to 5/8"	Rough	White	Biggish	Limy white	Fussy	More round; softish
Higari	28 to 20	Fairly soft	6/8" to 7/8"	Fairly soft	Creamy white	Big	Whiter than Jayawant	More fussy than Kumta	Apex not pro- minent. Sides not flat.
Waradi or N. R.	34 to 35	Coarse	4/8"	Rough	White	Small	Dusky brown	Less fussy	Like a top

Cotton seed									
Name of variety	Seed-cotton			Lint					
	Ginning percent- age.	Feel.	Staple length.	Feel.	Colour.	Size.	Colour.	Fussiness.	Shape.
1		3	4	5	6	7	8	9	10
Old Cambodia	32 to 33	Slightly soft	4/8" to 5/8"	Slightly soft	White	Big	White and green	Fussy	Irregular but generally triangular; flat; wedged-shaped; Irregular.
New Cambodia	29 to 30	Do.	7/8" to 1"	Do.	Do.	Bigger than Old Cambodia	Bright white	Do.	Regular triangular; flat base.
Dharwar American or Vilayati	29 to 30	Fairly soft	5/8"	Fairly soft	Dull white	Big	Greenish and white	Fussy but greenish	Regular with flattened sides; Wedge shaped.
Gadag No. 1	32 to 34	Do.	6/8" to 7/8"	Do.	Bright white	Slightly bigger than "Dharwar American"	Ashy white; occasionally green tinge	Fussy	Regular with flattened sides; Wedge shaped.
Jayawant	27 to 30	Soft	7/8" to 31-32"	Soft	Creamy white	Bigger than Kumta	Dull white; brighter than Kumta	Less fussy than Kumta.	...

### NOTIFICATION

5956.(a)/28.—In exercise of the powers conferred by sub-section 3A of the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925) as amended by the Cotton Ginning and Pressing Factories (Bombay Amendment) Act, 1936 (Bombay IV of 1936), the Government of Bombay is pleased to declare that in the areas specified in column 1 of schedule 1 hereto annexed, no cotton specified opposite thereto in column 2 of the said Schedule I which is ginned or pressed in a Cotton Ginning or Cotton Pressing Factory, shall contain any admixture of cotton.

2. The characteristics of cotton referred to in Schedule I are fully described in Schedule II hereto annexed.

SCHEDULE I

Areas	Name of cotton
<p>1027ALF (1) Surat area consisting of (a) that portion of the Surat District bounded on the West by the Sea and on the East by the Eastern boundary of Walod Mahal and on the North of the Tapli River and on the South of the Mindhola River upto the point where the Mindhola River is met by the Bardoli-Walod Road and then along that Road up to the boundary of the village Pavaran and thence along the Western boundary of Walod Mahal upto the Purna River and thereafter the Purna River upto the Eastern boundary of Walod Mahal, and (b) the Railway Station of Sachin, Udhana and Surat on the B.B. and C.I. Railway Nioal, Chalthan, Gangodhra Bardoli, Timberva and Madhi on the Tapli Valley Railway.</p>	
<p>1027ALF (2) South Surat Area consisting of (a) that portion of the Surat District lying between the Par River on the south and on the north in Mindhola River upto the point where the Mindhola River is met by the Bardoli-Walod Road and thence along that road upto the boundary of the village Pavaran and thence along the western boundary of the Walod Mahal upto the Purna River and thereafter the Purna River upto the eastern boundary of the Walod Mahal and bounded on the west by the sea and on the east by the Eastern boundary of the Surat District, and</p>	
<p>(b) The Railway Stations of Maroli, Navsari, Vadcha, Amalsad Bellimoria, Dugri, Balsar, Gandevi, Kacholi, Chikhli Road, Rankua, Dholikuva and Anawal.</p>	
<p>1027ALF (3) Ankleshwar area consisting of</p>	
<p>(a) Ankleshwar Taluka and Hansot Mahal of Broach and Panchamahar District, south of the River Narmada : and</p>	
<p>(b) Railway Stations of Panoli, Ankleshwar Kosamba.</p>	
<p>JAYAWANT (4) Belgaum and Bijapur Districts and the District of Dharwar excluding Gadag taluka and that portion of Roan Taluka which lies to the east of Railway line between Mallapur and Alur stations.</p>	
<p>GADAG No. 1. (5) Gadag and Roan talukas of Dharwar District excluding that portion of Roan Taluka which lies to the west of the Railway line between Mallapur and Alur Railway Stations.</p>	

## SCHEDULE II

### Characteristics of cotton mentioned in Schedule I.

Name of variety	Seed-cotton		Lint			Cotton seed			
	Ginning percent-age.	Feel.	Staple length.	Feel.	Colour.	Size.	Colour.	Fussiness.	Shape.
1	2	3	4	5	6	7	8	9	10
1027 A. L. F.	33 to 36	Silky	Long 15/16" to 1"	Silky	White to bright white	Small	Slightly dark	Fussy	Bulged at the base.
Jayawant	27 to 30	Soft	7/8" to 31/32"	Soft	Creamy white	Bigger than Kumta	Dull white, brighter than Kumta	Less fussy than Kumta	Regular with Flattened sides wedge shaped
Gadag No. 1	32 to 34	Fairly soft	6/8" to 7/8"	Fairly soft	Bright white	Slightly bigger than Dharwar American	Ashy white Occasionally green tinge	Fussy	Regular triangu- lar flat base.

(—Vide G. of B. Gaz. Part IV-B. P. 813-4 of 8-8-40)

No. 5956/28.—In exercise of the powers conferred by Rule 2-A of the Bombay Cotton Ginning and Pressing Factories Rules, 1925, the Government of Bombay is pleased to notify that in respect of areas specified in Schedule I hereto annexed, the admixture of cotton shall mean a mixture of zarila variety of cotton with any other of the varieties of cotton specified and characterised in Schedule II hereto annexed.

### SCHEDULE I

#### AREAS

- (i) The East Khandesh District.
- (ii) The West Khandesh District, excluding that portion of the old Navapur Taluka existing prior to its conversion into a peta by Government Notification Revenue Department No. 7989/28, dated the 26th September 1932, which is now included in the Surat Protected Area by Government Notification, Revenue Department No. 9786/24, dated the 29th November 1941, amending Government Notification, Revenue Department, No. 535A, dated the 18th August 1923, issued under section 3 of the Cotton Transport Act, 1923 (III of 1923).
- (iii) Nandgaon, Malegaon and Baglan Talukas of the Nasik District.

**SCHEDULE II,**  
**Varieties of cotton and other characteristics**

Cotton seed										
Name of variety	Seed-cotton			Lint			Cotton seed			
	Ginning percent- age.	Feel.	Staple length.	Feel.	Colour.	Size.	Colour.	Fuzziness.	Shape.	
1		3	4	5	6	7	8	9	10	
Banilla	38 to 39	Soft	Short 10/16" to 12/16"	Soft	White	Big	Ashy	Fuzzy	Ovate with a tapering end.	Do.
Local	34 to 36	Rough	Short 9/16"	Rough	White to creamy white	Small big mixed	Ashy, black and brown mixed	Fuzzy and slightly fuzzy mixed	Do.	Do.
N. R.	35 to 37	Rough	Short 7/16" to 8/16"	Rough	Creamy white	Bigger than Banilla seed	Brown	Slightly fuzzy	Do.	Do.
Dharwar American	29 to 30	Fairly soft	Short 10/16"	Fairly soft	Dull white	Bigger than N. R.	Greenish white	Very fuzzy	Do.	Ovate.
Jarila	33 to 36	Very soft	Medium 12/16" to 14/16"	Very soft	White and lustrous	Small with pointed end	Ashy brown	Fuzzy		



No. 5956/28 (a) In exercise of the powers conferred by sub-section 1 of section 3A of the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925) in its application to the Province of Bombay the Government of Bombay is pleased to declare that in the areas specified in the Schedule hereto annexed, no cotton which is ginned or pressed in a cotton ginning or cotton pressing factory, shall contain any admixture of cotton.

#### SCHEDULE

#### AREAS

- (1) East Khandesh District.
- (ii) The West Khandesh District excluding the portion of the old Nawapur Taluka existing prior to its conversion into a peta by Government notification, Revenue Department, No. 7989/28, dated the 26th September 1932, which is now included in the Surat Protected Area by Government Notification, Revenue Department, No. 9786/24, dated the 29th November 1941, amending Government Notification, Revenue Department, No. 535A, dated the 18th August 1923, issued under section 3, of the Cotton Transport Act, 1923 (III of 1923).
- (iii) Nandgaon, Malegaon and Baglan Talukas of the Nasik District.

No. 5956/28. In exercise of the powers conferred by section 3-C of the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925), in its application to the Province of Bombay, the Government of Bombay is pleased to authorise the following GAZET-  
ted Officers namely:—

- (1) Collectors, (2) Prant Officers, (3) Mamlatdars, (4) Mahalkar, (5) Director of Agriculture, (6) Deputy Directors of Agriculture, (7) Divisional Superintendent of Agriculture, (8) Cotton Breeders and (9) Cotton Superintendent, to enter into and in respect, at any reasonable time, any Cotton Ginning or Cotton Pressing Factory for the purpose of ascertaining whether there is any contravention therein of any of the provisions of the said Act or of any rule made thereunder, or any of the conditions subject to which a licence has been granted in respect of such factory, and to seize all things in respect of which an offence punishable under the provision of the said Act appears to have been committed.

(—Vide G. of B. Gaz. Part IV-B. P. 289 of 23-7-42).

# The Bombay Industrial Disputes Act, 1938\*†

BOMBAY ACT NO. XXV OF 1938.

*An Act to make provision for the promotion of peaceful and amicable settlement of industrial disputes by conciliation and arbitration and for certain other purposes.*

WHEREAS it is expedient to make provision for the promotion of peaceful and amicable settlement of industrial disputes by conciliation and arbitration and for certain other purposes hereinafter provided: It is hereby enacted as follows:—

## CHAPTER I.

### PRELIMINARY

#### Short Title

1. This Act may be called the Bombay Industrial Disputes Act, 1938.

#### Extent, commencement and application

2. (1) Section 1 and this section extend to the whole of the Province of Bombay. The Provincial Government may, by notification in the Official Gazette, extend all or any of the remaining provisions of the Act to such area as may be specified in this notification.

(2) Section 1 of this section shall come into force at once. The Provincial Government may, by notification in the Official Gazette, direct that all or any of the remaining provisions of this Act shall come into force in any area to which the said provisions extend or may have been extended under sub-section (1) on such date as may be specified in the notification.

(3) The Provincial Government may, by notification in the Official Gazette, direct that all or any of the provisions of this Act shall apply to such industry as may be specified in the notification.

\* Made applicable to partially excluded areas in the Province of Bombay vide G. of B. Gaz. Part IV A., p. 258 of 4/11/41.

† This Act is published in the Bombay Govt. Gazette Part IV p. 13 dated 21 Feb. 1939.

### Definitions

3. In this Act unless there is anything repugnant in the subject or context—

(1) "Arbitration proceedings" means any proceeding under this Act before an arbitrator or where a dispute has been referred to the Industrial Court for arbitration the proceedings before such Court in respect of such dispute.

(2) "Arbitrator" means an arbitrator to whom a dispute is referred for arbitration under the provisions of this Act and includes an umpire.

(3) "Association of employers" means any combination of employers, whether incorporated or not, which has for one of its objects the regulation of conditions of employment in the industry conducted or carried on by its members, and which is recognised by the Provincial Government under section 74.

(4) "Award" means any interim or final determination in an arbitration proceeding of any industrial dispute or of any question relating thereto and includes any award made by the Industrial Court under clause (5) or (6) of section 53.

(5) "Board" means the Board of Conciliation appointed under section 23.

(6) "Change" means a change in any industrial matter.

(7) "Commissioner of Labour" means an officer appointed by the Provincial Government for the time being to be the Commissioner of Labour.

(8) "Conciliation proceeding" means any proceeding held by a Conciliator or the Board under this Act.

(9) "Conciliator" means any Conciliator appointed under this Act and includes the Chief Conciliator or a Special Conciliator.

(10) "Employee" means any person employed to do any skilled or unskilled manual or clerical work for hire or reward in any industry and includes an employee discharged on account of any dispute relating to a change in respect of which a notice is given under section 28 whether before or after the discharge.

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(11) "Employer" includes—

- (a) an association or a group of employers ;
- (b) any agent of an employer ;
- (c) where an industry is conducted or carried on by a department of the Provincial Government, the authority prescribed in that behalf, and where no such authority has been prescribed, the head of such department ;
- (d) where an industry is conducted or carried on by or on behalf of a local authority, the Chief Executive Officer of such authority ; or
- (e) where the owner of any industry in the course of or for the purpose of conducting such industry contracts with any other person for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the said industry, the owner of such industry.

(12) "Industrial Court" means the Court of Industrial Arbitration appointed under section 24.

(13) "Industrial dispute" means any dispute or difference between an employer and employee or between employers and employees or between employees and employees and which is connected with any industrial matter.

(14) "Industrial matter" means any matter relating to work, pay, wages, reward, hours, privileges, rights or duties of employers or employees, or the mode, terms and conditions of employment or non-employment and includes—

- (a) all matters pertaining to the relationship between employers and employees, or to the dismissal or non-employment of any person ;
- (b) all matters as to the demarcation of functions of any employees or classes of employees ;
- (c) all matters pertaining to any right or claim under or in respect of or concerning an agreement, submission or award made under this Act ; and
- (d) all questions of what is fair and right in relation to any industrial matter having regard to the interest

of the person immediately concerned and of the community as a whole.

(15) "Industrial union" means a union the members of which belong to any industry generally and which is not an occupational union.

(16) "Industry" includes—

(a) any business, trade, manufacture or undertaking or calling of employers ;

(b) any calling, service, employment, handicraft, or industrial occupation or avocation of employees ; and

(c) any branch or section of industry recognised by the Registrar for the purposes of this Act or a group of industries.

(17) "Labour Officer" means an officer appointed to perform the duties of a Labour Officer under this Act.

(18) "Local area" means any area notified as such by the Provincial Government.

(19) "Lock-out" means the closing of a place or part of a place of employment or the total or partial suspension of work by an employer or the total or partial refusal by an employer to continue to employ persons employed by him, where such closing, suspension or refusal occurs in consequence of an industrial dispute and is intended for the purpose of compelling those persons or of aiding another employer in compelling persons employed by him to accept any term or condition of or affecting employment.

(20) "Member" means a person who is an ordinary member of a union and who has been paying a subscription of not less than one anna per month and the term "membership" shall be construed accordingly.

(21) "Occupation" means any section of an industry recognised to be an occupation under section 5.

(22) "Occupational union" means a union the membership of which is confined to employees employed in a particular occupation or group of occupations in any industry.

(23) "Prescribed" means prescribed by rules made under this Act.

(24) "Qualified union" means any union declared to

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be a qualified union under section 11.

(25) "Recognised union" means a union which has been recognised in the prescribed manner by an employer or by an association of the employers in any industry.

(26) "Registered agreement" means an agreement registered under section 30 or 33.

(27) "Registered union" means a union registered under this Act.

(28) "Registrar" means the Registrar of Unions appointed under this Act.

(29) "Representative of employees" means—

(i) where the majority of employees directly affected by a change are members of a registered union, such registered union; or

(ii) where some of the employees directly affected by the change belong to a representative union, that representative union; or

(iii) in other cases such representatives not being more than five as may be elected in the manner prescribed by employees directly affected by the change from among themselves; or

(iv) in cases where representatives are not elected under clause (iii), and in all other cases not falling under any of these clauses the Labour Officer.

(30) "Representative union" means a registered union declared to be a representative union under section 12.

(31) "Schedule" means schedule appended to this Act.

(32) "Settlement" means a settlement arrived at during the course of a conciliation proceeding.

(33) "Strike" means a total or partial cessation of work by employees employed in an industry acting in combination or a concerted refusal or a refusal under a common understanding of employees to continue to work or to accept work where such cessation or refusal is in consequence of an industrial dispute in any industry.

(34) "Union" means a Trade Union (other than a union formed for the purpose of regulating the relations between employers and employees) registered under the Indian Trade Unions Act, 1926.

CHAPTER II.

REGISTRATION OF UNIONS

**Appointment, powers and duties of Registrars and Assistant Registrars**

4. (1) The Provincial Government shall, by notification in the Official Gazette, appoint a person to be the Registrar of Unions for the Province.

(2) The Provincial Government may, by a similar notification, appoint a person to be the Assistant Registrar of Unions, for any local area and may, by a general or special order, confer on such person all or any of the powers of the Registrar of Unions under this Act.

**Recognition of section of industry as occupation**

5. The Registrar may after making such enquiry as he deems fit recognise any section of an industry to be an occupation for the purposes of this Act.

**Maintenance of registers of registered and representative unions**

6. It shall be the duty of the Registrar to maintain a register of registered and representative unions in such forms as may be prescribed.

**Application for registration**

7. Any recognised union, which has for the whole of the period of six months next preceding the date of the application under this section a membership of not less than five per cent., or any other union which has for the said period a membership of twenty-five per cent. of the total number of employees employed in any industry or occupation, as the case may be, in the local area may apply in the prescribed form to the Registrar for registration under this Act.

**Registration of a union**

8. On receipt of an application from a union for registration under section 7 and on payment of the fee prescribed, the Registrar shall hold such enquiry as he thinks fit and if he is satisfied that such union fulfils the conditions necessary

for registration specified in section 7 and is not disqualified from registration under this Act, he shall enter the name of such union in the register maintained under section 6 and shall issue a certificate of registration in such form as may be prescribed :

Provided that—

- (a) in any local area the Registrar shall not register more than one industrial union in respect of any industry and one occupational union in respect of each occupation in such industry ;
- (b) where two or more industrial or two or more occupational unions fulfilling the conditions necessary for registration specified in section 7 apply for registration, the union which has the largest membership of the employees employed in the industry or occupation, as the case may be, shall alone be registered ;
- (c) if an industrial union has been registered in any local area no occupational union in respect of the same industry in such local area shall be registered unless such union has more than twenty-five per cent. of the total number of employees employed in that occupation in such local area ;
- (d) the Registrar shall not register a union as an industrial or an occupational union, as the case may be, if there is a qualified union in existence in respect of the same industry or occupation and if the union applying for registration has not for the whole of the period of six months next preceding the date of application, a membership exceeding that of such qualified union ; and
- (e) the Registrar shall not register any union, if he is satisfied that the application for registration is not made *bona fide* in the interests of employees but is made in the interests of the employer.

#### **Cancellation of registration of a union**

9. The Registrar shall cancel the registration of a union—



- (i) if, on an application made to him by any employer or any union concerned with the industry or occupation in which the members of the union, the registration of which is sought to be cancelled, are employed and after holding such enquiry as he deems fit, he is satisfied—
  - (a) that such union had not fulfilled the necessary conditions for registration under section 7 at the time of its registration or that it was registered under a mistake, misrepresentation or fraud ;
  - (b) that at the date of the application made under this section the union failed to satisfy the condition regarding the minimum membership necessary for registration specified in section 7;
  - (c) that its recognition by the employer had been withdrawn :

Provided that the registration of such union shall not be cancelled on this ground if its membership is more than twenty-five per cent. of the total number of employees employed in the industry or occupation, as the case may be ;

(d) that in the case of an occupational union in any local area, an industrial union in respect of such industry is registered in such local area :

Provided that the registration of such occupational union shall not be cancelled if its membership is more than twenty-five per cent. of the total number of employees employed in the occupation in such local area ; or

- (e) that the union is not being conducted *bona fide* in the interests of employees but is being conducted in the interests of the employer ; or
- (ii) if the Industrial Court directs that the Registration of such union shall be cancelled.

**Registration of another union in place of existing registered union.**

10. (1) If at any time any union (hereinafter referred to in this section as "applicant union") applies to the Registrar stating that it has a larger membership of employees

employed in any industry or occupation in any local area than the one already registered (hereinafter referred to in this section as a "registered union") for such industry or occupation, as the case may be, for that local area, and that the registration of the registered union should be cancelled or that it should be registered in place of the registered union, the Registrar shall call upon the registered union by a notice in writing to show cause within one month of the receipt of such notice why its registration should not be cancelled or why the applicant union should not be registered in its place. An application made under this sub-section shall be accompanied by such fee as may be prescribed.

(2) The Registrar shall forward to the Labour Officer a copy of the said application and notice.

(3) If, on the expiry of the period of notice under sub-section (1) and after holding such enquiry as he deems fit, the Registrar is satisfied that the membership of the applicant union was during the whole of the period of six months immediately preceding the date of the application under this section larger than the membership of the registered union, he shall cancel the registration of such union and if the applicant union satisfies the conditions necessary for registration specified in section 7, he shall register the applicant union.

### **Qualified Unions.**

11. (1) The Registrar shall maintain a list of qualified unions in such form as may be prescribed.

(2) If in any local area there is no registered union in respect of any industry or occupation, a union which has for a period of six months next preceding the application a membership of not less than five per cent. of the total number of employees employed in the industry or occupation, as the case may be, may on application and on payment of the fee prescribed be declared by the Registrar as a qualified union.

(3) The Registrar shall cancel the declaration of any such union as a qualified union as soon as any union in res-

pect of the industry or occupation, as the case may be, is registered under section 8.

(4) The Registrar shall also cancel the declaration of a union as a qualified union—

- (i) if, on an application made to him by an employer or any union concerned with the industry or occupation in which the members of the union, the declaration of which as a qualified union is sought to be cancelled, are employed and after making such enquiry as he thinks fit, he is satisfied—
  - (a) that such union had not at the time when it was declared a qualified union fulfilled the necessary conditions for its being so declared or that such declaration was made under a mistake, misrepresentation or fraud,
  - (b) that at the date of the application made under this sub-section the membership of such union fell below five per cent. of the employees employed in the industry or occupation, as the case may be, in the local area ;
- (ii) if the Industrial Court directs that the declaration of such union as a qualified union shall be cancelled.

#### **Representative unions.**

12. (1) Any registered union in a local area, which has for the whole of the period of six months next preceding the date of application under this section a membership of not less than twenty-five per cent. of the total number of employees employed in the industry or occupation, as the case may be, in such local area, may apply to the Registrar for being declared a representative union.

(2) If the Registrar is satisfied, on making such enquiry as he thinks fit, that the union fulfils the conditions specified in sub-section (1) he shall declare such union to be a representative union, and shall issue a certificate in such form as may be prescribed.

(3) The Registrar shall cancel the declaration of a union as a representative union—

- (i) if, on application made to him by an employer or any union concerned with the industry or occupation in which the members of the union, the declaration of which as a representative union is sought to be cancelled, are employed and after making such enquiry as he thinks fit, he is satisfied—
  - (a) that such union had not at the time when it was declared a representative union fulfilled the necessary conditions for its being so declared or that such declaration was made under a mistake, misrepresentation or fraud ;
  - (b) that at the date of the application made under this sub-section the membership of such union fell below twenty-five per cent. of the employees employed in the industry or occupation as the case may be, in the local area ;
  - (c) that the registration of such union has been cancelled ;
- (ii) if the Industrial Court directs that the declaration of such union as a representative union shall be cancelled.

#### **Application for fresh registration or declaration**

13. (1) Any union the registration of which has been cancelled by the Registrar or by the Industrial Court on the ground that it was registered under a mistake, or on any of the grounds specified in clause (b) or (c) of sub-section (i) of section 9 or any union the declaration of which as a qualified union or as a representative union has been cancelled on the ground that such declaration was made under a mistake, or under clause (i) (b) of sub-section (4) of section 11 or under clause (i) (b) of sub-section (3) of section 12, as the case may be, may at any time, after six months from the date of such cancellation apply again for registration or declaration, as the case may be. Such application shall be disposed of in the manner laid down in sections 8, 11 or 12, as the case may be.

(2) A union the registration of which or a union the declaration of which as a qualified union or as a representa-

tive union has been cancelled on any other ground shall not be entitled to apply again for registration or declaration.

**Liability of a union or members not relieved by cancellation.**

14. Notwithstanding anything contained in any law, the cancellation of registration of a registered union or the cancellation of the declaration of a union as a qualified union or as a representative union shall not relieve the union or any member thereof from any penalty or liability incurred under this Act prior to such cancellation.

**Periodical returns to be submitted to the Registrar.**

15. Every registered union and every qualified union shall submit to the Registrar periodical returns of its membership at such times, on such dates and in such manner as may be prescribed.

**Powers of Registrar to summon witnesses, etc.**

16. For the purpose of holding an enquiry under this Chapter,—

- (i) the Registrar shall have the same powers as are vested in Courts in respect of the following matters under the Code of Civil Procedure, 1908, in trying a suit, namely :—
  - (a) proof of facts by affidavits ;
  - (b) summoning and enforcing the attendance of any person and examining him on oath ; and
  - (c) compelling the production of documents ;
- (ii) the Registrar shall have also such other powers as may be prescribed.

**Appearance before Registrar.**

17. Every employer in the industry concerned and every representative of employees whose interests may be affected shall be entitled to appear at any enquiry made by the Registrar under this Chapter.

**Appeal to Industrial Court from orders of the Registrar cancelling registration of unions.**

18. (1) Any person entitled to appear before the Registrar may appeal to the Industrial Court against any order

passed by the Registrar under this Chapter within 30 days from the date of such order.

(2) The Industrial Court in appeal may confirm, modify or rescind any order passed by the Registrar and may pass such consequential orders as it may deem fit. A copy of the orders passed by the Industrial Court shall be sent to the Registrar.

**Reference to Industrial Court and any order of Registrar to be in accordance with such decision.**

19. The Registrar may refer any matter arising before him in any proceeding under this Act to the Industrial Court for its decision and any order passed by the Registrar in such proceeding shall be in accordance with such decision.

**Publication of application and orders of cancellation in Official Gazette.**

20. (1) Every application made under section 10 shall be published in the Official Gazette not less than a fortnight before the application is heard.

(2) Every order passed under section 8, 9, 10, 11 or 12 and every order passed in appeal against such order shall be published in the Official Gazette.

### CHAPTER III.

#### AUTHORITIES TO BE CONSTITUTED OR APPOINTED UNDER THIS ACT.

##### **Conciliators.**

21. (1) The Commissioner of Labour shall be ex-officio Chief Conciliator. His jurisdiction shall extend throughout the Province.

(2) The Provincial Government may, by notification in the Official Gazette, appoint any person to be a Conciliator, for such local area as may be specified in the notification.

(3) The Provincial Government may, by notification in the Official Gazette, appoint any person to be a Special Conciliator for such local area or such industry in any local area or for such industrial dispute or class of disputes as may be specified in the notification.

**Labour Officer.**

22. The Provincial Government may, by notification in the Official Gazette, appoint any person to be a Labour Officer for such local area or such industry as may be specified in the notification.

**Board of Conciliation.**

23. (1) When an industrial dispute arises the Provincial Government may, by notification in the Official Gazette, constitute a Board of Conciliation for promoting a settlement of such dispute.

(2) The Board shall consist of a Chairman and an equal number of members selected by the Provincial Government from panels representing the interests of the employers and employees respectively. Such panels shall be constituted in the manner prescribed. The Chairman and members of the Board shall be independent persons.

**Explanation.**

For the purposes of this section a person shall be deemed to be independent if he is unconnected with the dispute with reference to which the Board is constituted and the industry directly affected by the dispute.

(3) If any vacancy in the membership of the Board arises before the Board has completed its work, such vacancy shall be filled up in the manner prescribed and the proceedings shall be continued before the Board so reconstituted from the stage at which they were when the vacancy occurred.

**Court of Industrial Arbitration.**

24. (1) The Provincial Government may constitute a Court of Industrial Arbitration for determining industrial disputes and for dealing with other matters under the provisions of this Act and the rules made thereunder.

(2) The Industrial Court shall consist of two or more members, one of whom shall be its President. Every member of the Industrial Court shall be a person—

(a) who is not connected with any industry, and

- (b) who is or has been a Judge of a High Court or is eligible for being appointed a Judge of such Court.
- (3) The Industrial Court may make rules providing for the formation of Benches consisting of one or more of its members and for the exercise by each such Bench of the jurisdiction and powers vested in the Industrial Court.
- (4) The Industrial Court may hold its sittings at such place or places as the President may direct.

#### CHAPTER IV.

##### POWERS AND DUTIES OF THE LABOUR OFFICER.

###### **Powers and duties of Labour Officer.**

25. (1) *A Labour Officer shall exercise the powers conferred and perform the duties imposed on him by or under this Act.*

(2) For the purpose of exercising such powers and performing such duties a Labour Officer may, after giving reasonable notice, enter any place used for the purpose of any industry or as the office of any union and shall be entitled to call for and inspect all relevant documents which are necessary for the due discharge of his duties and powers under this Act. A Labour Officer may for the same purpose enter, after giving reasonable notice, any premises provided by an employer for the purpose of residence of his employees.

(3) All particulars contained in or information obtained from any document inspected or called for under subsection (2) shall, if the person in whose possession the document was so requires, be treated as confidential.

(4) A Labour Officer shall be entitled to appear in any proceeding under this Act.

#### CHAPTER V.

##### CHANGES.

###### **Standing orders regarding industrial matters and change in such standing orders.**

26. (1) Every employer in respect of any industry or occupation to which this section has been made applicable



shall within two months from the date of such application submit to the Commissioner of Labour for approval in such manner as may be prescribed standing orders regulating the relations between him and his employees with regard to all industrial matters mentioned in Schedule I.

(2) On receipt of such standing orders the Commissioner of Labour shall, after making such enquiry as he deems fit and after consulting all interests concerned in the industry, settle the said standing orders.

(3) The Commissioner of Labour shall forward a copy of the standing orders so settled to the Registrar who shall record them in the register to be kept for the purpose. The standing orders so settled and recorded in the register shall come into operation from the date of their record in the register or after 10 days from the decision of the Commissioner of Labour whichever is later.

(4) Any person aggrieved by any of the standing orders so settled and recorded by the Commissioner of Labour may within 15 days from the date on which such standing orders come into operation under sub-section (3) appeal to the Industrial Court.

(5) On an appeal being filed, the Industrial Court may on the application of any party to such appeal stay the operation of the standing orders objected to until the appeal is decided on such conditions as it may think fit.

(6) The Industrial Court in appeal may confirm, modify or rescind any standing order settled by the Commissioner of Labour under sub-section (2) and may pass such consequential orders as it may deem fit. A copy of the orders passed by the Industrial Court shall be sent to the Registrar who shall record them in the register referred to in sub-section (3).

(7) The Industrial Court may also fix the date on which the standing orders as revised or confirmed by it shall come into operation.

(8) The standing orders settled by the Commissioner of Labour under sub-section (2) or by the Industrial Court under sub-section (6) shall be determinative of the relations between the employer and his employees in the industry or

occupation concerned in regard to all industrial matters mentioned in Schedule I and shall not be liable to be altered for a period of six months from the date on which they come into operation except on a review by the Industrial Court under section 27.

**Review.**

27. (1) Any person aggrieved by the decision of the Industrial Court under section 26 may apply to the Industrial Court for a review of the said decision.

(2) The Industrial Court shall not grant such application unless it is satisfied that there has been a discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the party making the application or could not be produced by him at the time when its decision was made, or that there has been some mistake or error apparent on the face of the record or that there is any other sufficient reason for granting such application.

(3) The provisions of sub-sections (6), (7) and (8) of section 26 shall apply to the proceedings under this section.

**Employers or employees desiring change in standing orders and other industrial matters to give notice.**

28. (1) Any employer intending to effect any<sup>1</sup> change, not being a change the effecting of which has, for the purposes of the Factories Act, 1934 become lawful by reason of a notification issued under section 8 thereof, in any standing order settled under section 26 or 27 or in respect of an industrial matter mentioned in Schedule II shall give notice of such intention in the prescribed form to the representative of the employees. He shall send a copy of such notice to the Commissioner of Labour, the Chief Conciliator, the Registrar, the Labour Officer and to such other person as may be prescribed. He shall also affix a copy of such notice at a conspicuous place in the premises where the employees affected by the change are employed for work and at such other place as may be directed by the Chief Conciliator in any case.

<sup>1</sup> Amended vide G. of B. Act No. 16 of 1941.

(2) An employee desiring a change in any such standing order or in respect of any other industrial matter shall give notice in the form prescribed to the employer through the representative of the employees who shall also forward a copy of the notice to the Commissioner of Labour, the Chief Conciliator, the Registrar, the Labour Officer and to such other person as may be prescribed.

(3) After conciliation proceedings in regard to any industrial dispute arising out of a notice relating to any change given under sub-section (1) or (2) have been completed, no notice with regard to the same change shall be given before the expiry of two months from the date of such completion. If, at any time after the expiry of the said period of two months, any employer or employee again desires the same change, he shall give fresh notice in the manner provided in sub-section (1) or (2), as the case may be.

**Notice of change when to be deemed general notice.**

29. (1) Where an employer gives notice of a proposed change under sub-section (1) of section 28 and such change affects only some of the employees engaged in an industry or occupation, the registered or qualified union in respect of such industry or occupation in that local area, as the case may be, may, within seven days from the date of service of such notice, intimate in writing to other employers or an association of employers engaged in such industry or occupation that the employees employed in such industry or occupation by such employers and mentioned in such intimation are affected by such change.

(2) Where an employee gives notice of a proposed change under sub-section (2) of section 28 and such change affects only one employer or some of the employers engaged in an industry or occupation, the other employers or an association of employers engaged in such industry or occupation in that local area, as the case may be, may within seven days from the date of service of such notice, intimate in writing to the representative of the employees, engaged in such industry or occupation, that the other employers en-

gaged in such industry or occupation and mentioned in such intimation are affected by such change.

(3) A copy of an intimation under sub-sections (1) and (2) shall be sent to the Commissioner of Labour, the Chief Conciliator, the Registrar, the Labour Officer and such other person as may be prescribed and shall also be affixed at a conspicuous place in the premises where the employees concerned are employed for work and at such other places as may be prescribed.

(4) On an intimation being given under sub-section (1) or (2), the other employees or employers, as the case may be, mentioned in such intimation, shall also for the purposes of this Act, be deemed to be affected by such change.

#### **Agreement regarding change.**

30. (1) If during fifteen days from the date of service of the notice under section 28 or within 7 days from the date of intimation given under section 29 to the representative of employees or the employer or the employers, as the case may be, an agreement is arrived at in regard to the proposed change between the employer or the employers and the representative of the employees, a memorandum of such agreement signed by the employer or the employers as well as by the representative of the employees shall be forwarded by them to the Commissioner of Labour, the Registrar and the Labour Officer.

(2) On receipt of such memorandum of agreement the Registrar shall enter the same in a register maintained for the purpose unless on enquiry he is satisfied that the agreement was the result of mistake, misrepresentation, fraud undue influence, coercion or threat.

(3) The agreement so recorded by the Registrar shall be called a registered agreement.

#### **Labour Officer to put the change to the meeting of employees**

31. In any case where the Labour Officer is a representative of the employees, the Labour Officer shall, before entering into any agreement with the employer, place the terms of such agreement before a meeting of the employees cor

cerned. Such meeting shall be convened by the Labour Officer in the manner prescribed and the terms of the agreement so placed before such meeting shall be deemed to have been accepted if the majority of the employees present at such meeting accept them. If the majority of the employees present at the meeting do not accept the terms of the agreement placed before them, the Labour Officer shall not enter into such agreement with the employer.

**Agreement when to come into force.**

32. If an agreement is arrived at and registered under section 30 the changes referred to in the agreement shall come into operation from the date stated in the agreement or if no date is stated therein from the date on which it is recorded by the Registrar.

**Agreement arrived at before coming into force of this Act.**

33. The Registrar may, on an application made within 6 months from the date of the coming into force of this section by an employer or a registered union, and with the consent of the other party, register any agreement relating to any industrial matter arrived at before the coming into force of this section, unless on enquiries he is satisfied that such agreement was the result of mistake, misrepresentation, fraud, undue influence, coercion or threat.

## CHAPTER VI.

### CONCILIATION PROCEEDINGS

**Report of industrial dispute to be sent to Registrar, Chief Conciliator and the Conciliator.**

34. If any change in respect of which notice is given under section 28, or an intimation is given under section 29 is objected to by the employer or the employee, as the case may be, the party who gave such notice or intimation shall, if he still desires that the change should be effected, forward to the Registrar, the Chief Conciliator and the Conciliator of the local area a full statement of the case in the prescribed form within twenty-one days from the date of service of such notice or intimation to the other party.

**Explanation.**

For the purpose of this section the change shall be deemed to be objected to by the employer or employee, as the case may be, if within fifteen days from the date of service of such notice or intimation a memorandum of agreement has not been forwarded to the Registrar under sub-section (1) of section 30.

**Commencement of conciliation proceeding.**

35. On receipt of the statement of the case under section 34 the Conciliator shall enter the industrial dispute in the prescribed register and the conciliation proceedings shall be deemed to have commenced from the date of such receipt.

**Conciliation Proceedings.**

36. (1) The Conciliator shall then hold the conciliation proceedings in the prescribed manner.

(2) It shall be the duty of the Conciliator to endeavour to bring about a settlement of the industrial dispute and for this purpose the Conciliator shall enquire into the dispute and all matters affecting the merits thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute and may adjourn the conciliation proceeding for any period sufficient in his opinion to allow the parties to arrive at a settlement.

**Power of Chief Conciliator to intervene.**

37. It shall be lawful for the Chief Conciliator to intervene at any stage in any conciliation proceedings held by another Conciliator, and thereafter the Chief Conciliator or the Special Conciliator so directed shall hold the conciliation proceedings with or without the assistance of the Conciliator who was previously holding the same.

**Settlement and report.**

38. (1) If a settlement of an industrial dispute is arrived at in a conciliation proceeding, a memorandum of such settlement shall be drawn up in the prescribed form by the

Conciliator and signed by the employer and the representative of employees. The Conciliator shall send a report of the proceedings along with a copy of the memorandum of settlement to the Registrar and the Chief Conciliator. The Registrar shall record such settlement in the register of agreements and shall then publish it in such manner as may be prescribed. The change, if any, agreed to by such settlement shall come into operation from the date agreed upon in such settlement and where no such date is agreed upon from the date on which it is recorded in the register.

(2) If no such settlement is arrived at, the Conciliator shall, as soon as possible, after the close of the proceedings before him, send a full report to the Chief Conciliator or if the conciliation proceedings are held by the Chief Conciliator, the Chief Conciliator shall send such report to the Provincial Government. Such report shall set forth the steps taken by the Conciliator or the Chief Conciliator, as the case may be, for the purpose of ascertaining the facts and circumstances relating to the dispute and the reasons on account of which, in his opinion, a settlement could not be arrived at.

(3) The Chief Conciliator shall forward the reports submitted to him under sub-sections (1) and (2) to the Provincial Government with such remarks as he deems fit.

(4) The Provincial Government shall publish the report of the Conciliator submitted to it under sub-section (2) or forwarded to it under sub-section (3) except in cases in which the dispute is referred to the Board of Conciliation.

(5) In any case where the Labour Officer is a representative of the employees and where a settlement of an industrial dispute is arrived at in any conciliation proceeding, the Labour Officer shall convene a meeting of the employees concerned as laid down in section 31 and place the terms of the settlement before such meeting. The Labour Officer shall not sign the memorandum of such settlement under sub-section (1) unless a majority of the employees present at such meeting accept the terms of such settlement.

**Reference to Board.**

39. (1) During the pendency of any proceedings before the Conciliator under the foregoing provisions the Provincial Government may, and if both the parties agree either prior to the commencement of such proceedings or after the failure of the Conciliator to bring about a settlement shall refer the dispute to a Board of Conciliation.

(2) On such reference being made, the Board shall give notice in the prescribed manner to the parties to the dispute to appear before it at such time and place as may be specified in the notice. A copy of such notice shall be sent to the Labour Officer.

(3) On the date specified in the notice or on such other date as may be fixed by the Board, the Board shall hold the conciliation proceedings. It shall be the duty of the Board to endeavour to bring about a settlement of the industrial dispute and the provisions of section 35 and 36 shall, so far as may be, apply to the proceedings before the Board.

(4) On the conclusion of the proceedings before the Board, the Board shall, whether a settlement is arrived at or not, send a report of the proceedings to the Provincial Government. The Provincial Government shall then publish such report.

**Procedure and powers of Conciliator and the Board.**

40. (1) A Conciliator or the Board, as the case may be, shall, subject to the provisions of this Act, follow in a conciliation proceeding such procedure as may be prescribed.

(2) For the purpose of holding a conciliation proceeding,—

(i) a Conciliator or the Board shall have the same powers as are vested in Courts under the Code of Civil Procedure, 1908, in respect of the following matters when trying a suit :—

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) compelling the production of documents ;

(c) issuing commissions for the examination of witnesses ;





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months from the date on which the dispute is entered by the Conciliator in the register under section 35 :

Provided further that the Provincial Government may extend the said period of two months by a further period of a fortnight at a time not exceeding in any case, two months in the aggregate.

(2) Notwithstanding anything contained in sub-section (1), the parties to any industrial dispute may, in any case by mutual agreement, agree to extend the period of time limit fixed for any stage of a conciliation proceeding by any further period and such further period shall be excluded in computing the period of time limit referred to in the said sub-section.

**Completion of conciliation proceedings.**

42. The conciliation proceedings shall be deemed to have been completed when a settlement arrived at in such proceedings is registered or if no settlement is arrived at, when the report of the Conciliator or the Board of Conciliation is published by the Provincial Government or when the time limit fixed for the completion of such proceedings under section 41 has expired.

CHAPTER VII  
ARBITRATION**Submission.**

43. (1) Any employer and a registered union may, by a written agreement, agree to submit any present or future industrial dispute or any classes of such disputes to arbitration of any person whether such arbitrator is named in such agreement or not. Such agreement shall be called a submission.

(2) Any such agreement arrived at before the coming into force of this Chapter between an employer and a union shall also be deemed to be a submission.

(3) Such submission may provide that the dispute shall be referred to arbitration of the Industrial Court.

(4) A copy of every such submission shall be sent to

the Registrar who shall register it in the register to be maintained for the purpose and shall publish it in the *Official Gazette*.

**Submission when to be revocable.**

44. In the absence of an agreement to the contrary, every submission shall be irrevocable:

Provided that the submission to refer future disputes to arbitration may at any time be revoked by any of the parties to such submission by giving the other party six months' notice in writing :

Provided further that before the expiry of the said period of six months the parties may agree to continue the submission for such further period as may be agreed upon between them.

**Proceedings in arbitration.**

45. The proceedings in arbitration under this Chapter shall be in accordance with the provisions of Schedule II in the Code of Civil Procedure, 1908, in so far as they are applicable and the powers which are exercisable by a civil court under the said provisions shall be exercisable by the Industrial Court.

**No conciliation where arbitration is provided.**

46. No conciliation proceedings shall be commenced in respect of any dispute if—

- (a) the majority of the employees directly affected by such dispute are members of a registered union which is a party to a submission relating to such dispute, or
- (b) some of the employees directly affected by such dispute are members of a representative union which is a party to such submission.

**Special case to be stated to Industrial Court.**

47. The arbitrator may refer any matter in which a decision on any question of law is required to the Industrial Court for its decision. Any award made by the arbitrator shall be in accordance with such decision.

**Award by the Arbitrator.**

48. The Arbitrator shall, after hearing the parties concerned, make an award which shall be signed by him. **Dispute to be referred to Industrial Court, if no Arbitrator is appointed, etc.**

49. Notwithstanding anything contained in this Chapter if no provision has been made in any submission for the appointment of an Arbitrator or where by reason of the act of parties or any circumstances, the appointment of an Arbitrator or an umpire is not possible, such dispute shall be referred to the arbitration of the Industrial Court.

**Provincial Government may refer an industrial dispute to the Industrial Court for arbitration;**

49-A.<sup>1</sup> Notwithstanding anything hereinbefore contained, the Provincial Government may, at any time, refer any industrial dispute to the arbitration of the Industrial Court, if it is satisfied that—

- (i) a serious outbreak of disorder or breach of the public peace is likely to occur; or
- (ii) serious or prolonged hardship to a large section of the community is likely to be caused by reason of the continuance of the industrial dispute; or
- (iii) the industry concerned is likely to be seriously affected and the prospects and scope of employment curtailed as a result of the continuance of the industrial dispute.

**Notice of award to parties.**

50. (1) The arbitrator or the Industrial Court shall give notice of the award made by him or it to the parties and forward a copy of the award to the Registrar and the Labour Officer.

(2) On receipt of such award, the Registrar shall enter it in a register kept for the purpose and shall publish it in the Official Gazette.

<sup>1</sup> Amended vide Bombay Act No. X of 1941.

**Date on which the award shall come into operation.**

51. The award shall come into operation on the date stated in the award or where no such date is stated therein on the date on which it is registered under section 50.

**Completion of arbitration proceedings.**

52. The arbitration proceedings shall be deemed to have been completed when the award is published under section 50.

## CHAPTER VIII.

### COURT OF INDUSTRIAL ARBITRATION.

**Duties of Industrial Court.**

53. It shall be the duty of the Industrial Court—

(1) to decide appeals from the orders passed by the Registrar under this Act :

(2) to decide all matters which may be referred to it by the Registrar under section 19 or by an arbitrator under section 47 :

(3) to decide appeals from the decision of the Commissioner of Labour under section 26 regarding standing orders ;

(4) to decide all applications for review made to it under section 27 ;

(5) to decide industrial disputes referred to it in accordance with submissions registered under section 43 and which provide for such reference to the Industrial Court ;

(6) to decide industrial disputes referred to it under section 49 or 49-A.<sup>1</sup>

(7) to decide matters referred to it under section 56 ;

(8) to decide whether a strike or lock-out or a change is illegal under the provisions of this Act ; and

(9) to decide such other matters as may be referred to it under this Act or the rules.

**Cancellation of registration or declaration of any union as a qualified or as a representative union.**

54. If in any proceeding, the Industrial Court finds that the registration of any union or the declaration of any union

<sup>1</sup> Amended vide Bombay Act No. X of 1941.

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as a qualified union or as a representative union was obtained under a mistake, misrepresentation or fraud, or that such union has contravened any of the provisions of this Act, the Industrial Court may direct that the registration of such union or the declaration of such union as a qualified union or as a representative union shall be cancelled.

**Industrial Court to decide whether any strike or lock-out or change is illegal.**

55. The Industrial Court may, on the application of any employer or employee concerned or a representative of the employees concerned or the Labour Officer, decide whether any strike or lock-out or any change made is illegal.

**Civil Court may refer any matter relating to Industrial Dispute to Industrial Court.**

56. A Civil Court may refer any matter or any issue in any suit or proceeding before it relating to an industrial dispute to the Industrial Court for its decision. Any order passed by the Civil Court in such suit or proceeding shall be in accordance with such decision.

**Procedure before an Industrial Court.**

57. (1) The Industrial Court shall, subject to the provisions of this Act, follow such procedure as may be prescribed.

(2) (i) The Industrial Court shall have the same powers as are vested in Courts under the Code of Civil Procedure, 1908, in respect of the following matters when trying a suit :—

- (a) summoning and enforcing the attendance of any person and examining him on oath ;
- (b) compelling the production of documents ;
- (c) issuing commissions for the examination of witnesses ;
- (d) proof of facts by affidavits.

(ii) The Industrial Court shall have such further powers as may be prescribed.

(3) Every proceeding before the Industrial Court shall

be deemed to be a judicial proceeding within the meaning of sections 192, 193 and 228 of the Indian Penal Code.

(4) The Industrial Court shall have power to direct by whom the whole or any part of costs of any proceeding before it shall be paid :

Provided that no such costs shall be directed to be paid for the services of any legal adviser engaged by any party.

**Execution of order as to costs.**

58. An order made by the Industrial Court regarding the costs of a proceeding may be produced before the principal civil court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business or where such place is within the local limits of the ordinary civil jurisdiction of the High Court before the Court of Small Causes of Bombay and such court shall execute such order in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

**The parties on whom order of Industrial Court will be binding.**

59. The order of the Industrial Court shall be binding on—

- (a) all parties to the industrial dispute who appeared or were represented before such Court ;
- (b) all parties who were summoned to appear as parties to the dispute whether they appeared or not, unless the Industrial Court is of opinion that they were improperly made parties ;
- (c) in the case of an employer who is a party to the proceedings before such Court in respect of the undertaking to which the dispute relates, his successors, heirs or assigns in respect of the undertaking to which the dispute relates ; and
- (d) in the case of a union which is a party to the proceedings before such Court, all persons who were members of such union on the date of the dispute or who become members of the union thereafter.

The order of Industrial Court not liable to appeal or review.

60. No order passed by the Industrial Court shall be called in question in any civil or criminal court.

Provincial Government may direct Advocate General or any other Officer to appear in any proceeding before Industrial Court.

61. The Provincial Government may direct the Advocate General or any other officer to appear in any proceeding before the Industrial Court by giving notice to such Court and on such notice being given the Advocate General or such officer shall be entitled to appear in such proceeding.

## CHAPTER IX.

### ILLEGAL STRIKES AND LOCK-OUTS.

#### Illegal strikes.

62. (1) A strike shall be illegal if it is commenced or continued—

(a) in cases where it relates to any industrial matter mentioned in Schedule I, before the standing orders relating to such matter and submitted to the Commissioner of Labour under section 26 are settled by him or by the Industrial Court, as the case may be, or before the expiry of six months from the date on which such standing orders come into operation under section 26 ;

(b) without giving notice in accordance with the provisions of section 28 ;

(c) only for the reason that the employer has not carried out the provisions of any standing order or has made an illegal change ;

(d) in cases where notice of the change is given in accordance with the provisions of section 28 and where no agreement in regard to such change is arrived at, before the statement of the case referred to in section 34 is received by the Registrar ;



- (e) in cases where conciliation proceedings in regard to the industrial dispute to which the strike relates have commenced, before the completion of such proceedings ;
  - (f) in cases where a submission relating to such dispute or such kinds of dispute is registered under section 43, until such submission is lawfully revoked ;<sup>1</sup>
  - <sup>2</sup>(ff) in cases where an industrial dispute has been referred to the arbitration of the Industrial Court under section (49-A), before or until the date on which the arbitration proceedings are completed, or the date on which the award of the Industrial Court comes into operation whichever is later; or
  - (g) in contravention of the terms of a registered agreement, settlement or award.
- (2) In cases where conciliation proceedings in regard to any industrial dispute have been completed, a strike relating to such dispute shall be illegal if it is commenced at any time after the expiry of two months after the completion of such proceedings.

#### Illegal lock-outs.

63. (1) A lock-out shall be illegal if it is declared, commenced or continued—

- (a) in cases where it relates to any industrial matter mentioned in Schedule I, before the standing orders relating to such matter and submitted to the Commissioner of Labour under section 26 are settled by him or by the Industrial Court, as the case may be, or before the expiry of one year from the date on which such standing orders come into operation under section 26 ;
- (b) without giving notice in accordance with the provisions of section 28 ;
- (c) in cases where notice of the change is given in accordance with the provisions of section 28 and

<sup>1</sup> The word "or" deleted vide Bombay Act No. X of 1941.  
<sup>2</sup> Added vide *ibid*.

where no agreement in regard to such change is arrived at, before the statement of the case referred to in section 34 is received by the Registrar ;

- (d) in cases where conciliation proceedings in regard to the industrial dispute to which the lock-out relates have commenced, before the completion of such proceedings ;
- (e) in cases where a submission relating to such dispute or such kinds of dispute is registered under section 43, until such submission is lawfully revoked ;<sup>3</sup>
- <sup>4</sup>(ee) in cases where an industrial dispute has been referred to the arbitration of the Industrial Court under section 49-A, before or until the date on which the arbitration proceedings are completed or the date on which the award of the Industrial Court comes into operation, whichever is later ; or
- (f) in contravention of the terms of a registered agreement, settlement or award.

(2) In cases where conciliation proceedings in regard to any industrial dispute have been completed, a lock-out relating to such dispute shall be illegal if it is commenced at any time after the expiry of two months after the completion of such proceedings.

## CHAPTER X.

### PENALTIES.

**Employer not to dismiss, reduce or punish an employee.**

64. (1) No employer shall dismiss or reduce any employee or punish him in any other manner by reason of the circumstance that the employee—

- (a) is an officer or member of a registered union or of a qualified union or of a union which has applied for being registered or declared as a qualified union under this Act ; or

<sup>3</sup> The word "or" deleted vide *ibid.*

<sup>4</sup> Added vide *ibid.*

- (b) is entitled to the benefit of a registered agreement, submission or award ; or
- (c) has appeared or intends to appear as a witness or has given any evidence or intends to give evidence in a proceeding under this Act ; or
- (d) is an officer or member of an organisation the object of which is to secure better industrial conditions ; or
- (e) is an officer or member of an organisation which is not declared unlawful ; or
- (f) is a representative of employees ; or
- (g) has gone or joined a strike which is not illegal under the provisions of this Act.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with fine which may extend to Rs. 1,000.

(3) The Court trying any offence under this section may direct that out of the fine recovered, such amount as it deems fit shall be paid to the employee concerned as compensation.

**Penalty for declaring illegal lock-out.**

65. Any employer who has declared a lock-out which has been held by the Industrial Court to be illegal shall, on conviction, be punishable with fine which may extend to Rs. 2,500 and, in the case of the lock-out being continued after such conviction, with an additional fine which may extend to Rs. 200 for every day during which such lock-out continues after such conviction.

**Penalty for declaring or commencing an illegal strike.**

66. Any employee who has gone on strike or who joins a strike which has been held by the Industrial Court to be illegal shall, on conviction, be punishable with fine which may extend to Rs. 25 and in the case of a continuing offence with an additional fine which may extend to Re. 1 per day for every day during which the offence continues after his last conviction for such offence, subject to a maximum of Rs. 50.

**Penalty for instigating, etc., illegal strikes and lock-outs.**

67. If any person instigates or incites others to take part in, or otherwise acts in furtherance of, a strike or lock-out which has been held to be illegal by the Industrial Court, whether such strike or lock-out has commenced or not, he shall, on conviction, be punishable with imprisonment of either description for a term which may extend to three months, or with fine or with both.

*Explanation.*—For the purposes of this section, a person who contributes, collects or solicits funds for the purposes of any such strike or lock-out shall be deemed to act in furtherance thereof.

**Penalty for disclosing confidential information.**

68. If a Conciliator or a member of the Board or any person present at or concerned in any conciliation proceeding wilfully discloses any information or the contents of any document in contravention of this Act he shall, on a complaint made by the party who gave the information or produced the document in such proceeding and on conviction, be punishable with fine which may extend to Rs. 1,000.

**Penalty for illegal changes.**

69. (1) Any employer who makes any illegal change shall, on conviction, be punishable with fine which may extend to Rs. 5,000 and in the case of a continuing offence with an additional fine which may extend to Rs. 200 per day for every day during which the offence continues after his last conviction for such offence.

(2) An employer who acts in contravention of a standing order settled under section 26 shall, on conviction, be punishable with fine which may extend to Rs. 100 and in the case of a continuing contravention of such standing order, with an additional fine which may extend to Rs. 25 per day for every day during which such contravention continues after his last conviction for such contravention.

**Penalty for obstructing any person from carrying out duties imposed under this Act.**

70. Any person who wilfully refuses entry to a Labour Officer to any place which he is entitled to enter under section 25 or who fails to produce any document which he is required to produce, or who fails to comply with any requisition or order issued to him by or under the provisions of this Act shall, on conviction, be punishable with fine which may extend to Rs. 500.

**Penalties for offences not provided for elsewhere.**

71. Whoever contravenes any of the provisions of this Act or of any rule made thereunder shall, on conviction, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to Rs. 100 and in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder with fine which may extend to Rs. 200.

## CHAPTER XI.

### MISCELLANEOUS

**Modifications in Schedules.**

72. The Provincial Government may, by notification in the *Official Gazette*, at any time, make any additions to or alterations in the industrial matters specified in Schedule I or II or may delete therefrom any such matter :

Provided that before making any such addition, alteration or deletion, a draft of such addition, alteration or deletion shall be published for the information of all persons likely to be affected thereby and the Provincial Government shall consider any objection or suggestion that may be received by it from any person with respect thereto.

**Illegal changes.**

73. (1) No employer shall make any change, not<sup>1</sup> being a change the effecting of which has, for the purposes

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<sup>1</sup> Amended vide Bombay Act No. XVI of 1941.

of the Factories Act, 1934 become lawful by reason of a notification issued under Section 8 thereof, in any industrial matter in regard to which a standing order has been settled under section 26 or which is mentioned in Schedule II before the agreement referred to in sub-section (1) of section 30 is arrived at or where no such agreement is arrived at before the conciliation proceedings are completed or in cases where there is a registered submission before the arbitration proceedings are completed or in cases where any dispute relating to such industrial matter has been referred to the Industrial Court for its decision before such decision is given.

(2) No employer shall make any such change in contravention of the terms of a registered agreement, a settlement or an award.

(3) Any change made in contravention of the provisions of sub-section (1) or (2) shall be illegal.

**Association of Employers may represent any of its members.**

74. (1) The Provincial Government may from time to time by notification in the *Official Gazette* recognise any combination of employers as an association of employers for the purposes of this Act or may revoke any such recognition.

(2) In any proceeding under this Act, an association of employers shall be entitled to represent any employer who is a member of the association.

**Representation of employees.**

75. (1) Save with the permission of the authority holding any proceedings under this Act, no employee shall be allowed to appear in such proceedings except through the representative of employees.

(2) Notwithstanding anything contained in sub-section (1), if in any conciliation or arbitration proceedings or in any proceedings before the Industrial Court the majority of employees directly concerned in or affected by such proceedings are members of a qualified union, such quali-

fied union shall also be entitled to appear in such proceedings.

**Agreement, etc., on whom binding.**

76. (1) A registered agreement, a settlement, a submission or an award shall be binding upon all persons who are parties thereto :

Provided that—

- (a) in the case of an employer, who is a party to such agreement, settlement, submission or award, his successors, heirs or assigns in respect of the undertaking as regards which the agreement, settlement, submission or award is made ;
- (b) in the case of a union which is a party to such agreement, settlement, submission or award, all persons who were members of such union at the date of such agreement, settlement, submission or award or who become members of the union thereafter, shall be bound by such agreement, settlement, submission or award.

(2) In cases in which a representative union is a party to any agreement, settlement, submission or award. the Provincial Government may, after giving the parties affected an opportunity of being heard, by notification in the *Official Gazette*, direct that such agreement, settlement, submission or award shall be binding upon such other employers and employees in such industry or occupation in that local area as may be specified in the notification :

Provided that before giving a direction under this section the Provincial Government may in such cases as it deems fit, make in the prescribed manner a reference to the Industrial Court for its opinion.

**Period for which agreement, etc., to remain in force.**

77. (1) A registered agreement, settlement or award shall cease to have effect on the date specified therein or if no such date is specified therein, on the expiry of the period of six months from the date on which notice in writing to

terminate such agreement, settlement or award, as the case may be, is given by any of the parties thereto to the other party.

(2) Nothing in this section shall prevent the terms of a registered agreement being changed or modified by mutual consent of the parties affected thereby.

(3) Notwithstanding anything contained in sub-section (1) or (2), if a registered agreement provides that it shall remain in force for a period exceeding two years, such agreement may after the expiry of eighteen months from the date of commencement of such agreement be terminated by either party thereto by giving six months' notice.

(4) The party giving notice under sub-section (1) or (3) shall send a copy of it to the Registrar and the Labour Officer of the local area concerned.

#### **Liability of the executive of a union.**

78. Where anything is required to be done by any union by or under any provision of this Act, the person authorised in this behalf by the executive of the union or if no person is so authorised every member of the executive of the union shall be bound to do the same and shall be personally liable if default is made in the doing of any such thing.

*Explanation.*—For the purposes of this section, executive of a union means the body by whatever name called to which the management of the affairs of the union is entrusted.

#### **Jurisdiction of Courts.**

79. No Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try an offence under this Act.

#### **Conciliator and Labour Officer to be public servants.**

80. A Registrar, an Assistant Registrar, a Conciliator, a Labour Officer, an Arbitrator, a member of the Board, a member of the Industrial Court and its staff shall be deem-



ed to be public servants within the meaning of section 21 of the Indian Penal Code.

**Persons acting in good faith not to be sued.**

81. No suit or proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

**Provisions of Act VII of 1929 not to be affected.**

82. Nothing in this Act shall affect any of the provisions of the Trade Disputes Act, 1929, and no conciliation or arbitration proceeding shall be held under this Act relating to any matter or trade dispute which has been referred to and is pending before a Court of Enquiry or Board of Conciliation under the said Act.

**Repeal of Bombay IX of 1934.**

83. The Bombay Trade Disputes Conciliation Act, 1934 shall cease to apply to any area in which the provisions of Chapters II, III, IV, V and VI of this Act have been brought into force.

**Rules.**

84. (1) The Provincial Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may be made for all or any of the following matters, namely :—

- (a) the manner in which an employer or an association of employers may recognise any union under clause (25) of section 3 ;
- (b) the manner in which the representatives of employees are to be elected under sub-clause (iii) of clause (29) of section 3 ;
- (c) the forms of register of registered and representative unions to be maintained under section 6 ;
- (d) the form in which an application may be made under section 7 ;
- (e) the form in which a certificate of registration may be issued under section 8 ;

- (f) the form in which a list of qualified unions is to be maintained under section 11 ;
- (g) the fee to be paid on applications made under section 8, 10 or 11 ;
- (h) the form in which a certificate may be granted to a representative union under section 12 ;
- (i) the time, date and manner of submitting periodical returns under section 15 ;
- (j) the manner in which the total number of employees is to be computed for the purposes of this Act ;
- (k) the other powers of the Registrar under section 16 ;
- (l) the manner in which the panels representing the interests of employers and employees shall be constituted under section 23 ;
- (m) the manner in which vacancies in the Board of Conciliation shall be filled up under section 23 ;
- (n) the manner in which standing orders may be submitted under section 26 ;
- (o) the form in which notice of change is to be given and the persons to whom copies of such notice are to be sent under section 28 ;
- (p) the other places at which the copy of the intimation shall be affixed under sub-section (3) of section 29 ;
- (q) the manner of convening meetings under section 31 ;
- (r) the form in which a statement of the case is to be forwarded under section 34 ;
- (s) the register in which industrial disputes are to be entered under section 35 ;
- (t) the manner of holding conciliation proceedings under section 36 ;
- (u) the form in which the memorandum of settlement shall be drawn up and the manner in which it shall be published by the Registrar under section 38 ;
- (v) the manner of giving notice under section 39 ;
- (w) the procedure to be followed by a Conciliator or the Board and the further powers of the Conciliator or the Board under section 40 ;

(x) the procedure to be followed by the Industrial Court and the further powers of such Industrial Court under section 57.

(3) The Provincial Government may also prescribe a fine not exceeding five hundred rupees for a breach of any such rule.

(4) The rules made under this section shall be subject to the condition of previous publication in the *Official Gazette*.

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SCHEDULE I.  
(SECTION 26.)

1. Classification of employees, e.g., permanent, temporary, apprentices, probationers, badlis, etc.
2. Manner of notification to employees of periods and hours of work, holidays, pay days and wage rates.
3. Shift working.
4. Attendance and late coming.
5. Leave and holidays : Conditions, procedure and authority to grant.
6. Liability to search and entry into premises by certain gates.
7. Temporary stoppages of work and rights and liabilities of employers and employees arising therefrom.
8. Termination of employment. Notice to be given by employer and employee.
9. Suspension or dismissal for misconduct and the acts or omissions which constitute misconduct.
10. Means of redress for employees against unfair treatment or wrongful exaction on the part of the employer or his agent or servant.

SCHEDULE II.  
(SECTION 28.)

1. Reduction intended to be of permanent or semi-permanent character in the number of persons employed or to be employed not due to *force majeure*.

2. Demands for permanent or semi-permanent increase in the number of persons employed or to be employed in any department or departments.

3. Dismissal of any employee except in accordance with law or as provided for in the standing orders framed under section 26 of this Act.

4. Introduction of rationalisation or other efficiency systems of work.

5. Starting, alteration or discontinuance of shift working otherwise than in accordance with the standing orders.

6. Withdrawal or granting of recognition to unions of employees.

7. Withdrawal of any customary concession or privilege or change in usage.

8. Introduction of new rules of discipline or alteration of existing rules and their interpretation.

9. Wages and total weekly hours of work.

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## The Bombay Industrial Disputes Act, 1938

### RULES

BOMBAY CASTLE, 29TH MAY 1939

No. 2847/34.—In exercise of the powers conferred by section 84 of the Bombay Industrial Disputes Act, 1938 (Bom. XXV of 1938), the Government of Bombay is pleased to make the following rules, namely :—

#### Short title

1. These Rules may be called “The Bombay Industrial Disputes Rules, 1939”.

#### Definitions

2. In these Rules, unless there is anything repugnant in the subject or context,—

- (i) “Act” means the Bombay Industrial Disputes Act, 1938 ;
- (ii) “Form” means the form appended to these Rules ;
- (iii) “Schedule” means the Schedule to the Act ;
- (iv) “Section” means a section of the Act ;
- (v) Words and expressions not defined in these rules shall have the meanings assigned to them under the Act.

**Recognition of Association of Employers**

3. Any association of employers desiring recognition as an association of employers under the Act shall apply to the Registrar in Form A. On receipt of such application, which shall be in duplicate, the Registrar shall forward a copy of the application to the Provincial Government with such remarks as he may deem necessary. If the Provincial Government accords recognition to the applicant-association, the Registrar shall issue a certificate of recognition in Form B.

4. Every association of employers which has been recognized by the Provincial Government under rule 3 shall notify the Registrar of every change which occurs in its membership within seven days of such change.

**Recognition of Unions**

5. Any union which is registered under the Indian Trade Unions Act, 1926 may apply for recognition to the employer or the association of employers connected with the industry or occupation which such unions covers and with whom the members of such union are employed. The application for such recognition shall be in Form C.

6. (1) The employer or association of employers to whom an application for recognition has been addressed by any union under rule 5 shall, if the employer or association of employers decides to recognise such union, issue a letter of recognition to such union in Form D and shall forward a duplicate copy of such letter to the Registrar.

(2) An employer or association of employers which withdraws recognition from a union which has been recognised under sub-rule (1) shall immediately inform the union concerned of the withdrawal of such recognition by registered letter and shall forward a duplicate copy of such letter to the Registrar.

7. Every employer in any industry or occupation in any Local Area to which all or any of the provisions of the Act have been applied shall, within seven days of the application of such provisions of the Act to that industry or occupation and on the first working day of every month thereafter forward by registered letter to the Registrar a statement in duplicate showing the number of employees employed by him in such form as the Registrar may require on the date for which the return is made. In all cases where work is done in two or more shifts, the employees in all the shifts shall be included in the number of employees for whom the return is to be made, but the figures for each shift shall be shown separately.

8. Every registered union and every qualified union shall, within seven days of the date of the publication of the Official

Gazette containing the notification of the registration of that union or of the declaration of such union as a qualified union and within five days of the first day of January and within 5 days of the first day of July in every year, forward by registered letter to the Registrar a statement in such form as the Registrar may require showing the number of members it had in each occupation on the last working day of the preceding month separately for each establishment of each employer with whom the members of the union were employed.

9. The Registrar may call upon any employer or any union to produce such evidence as he may deem necessary to prove that the figures submitted under rules 7 and 8 are correct.

10. Any employer who or any union which submits any figures under rules 7 and 8 which are proved to be incorrect shall, on conviction, be punishable with a fine which may extend to Rs. 100.

11. Within twenty-eight days of the date of the application of all or any of the provisions of the Act to any industry or occupation in any local area or of the publication of the Official Gazette containing the notification of the registration of any union or of the declaration of any union as a qualified union and before the first day of February and before the first day of August in every year, the Registrar shall forward—

- (a) to every employer in the industry concerned a statement showing the number of members each registered or qualified union has in each occupation with that employer ;
- (b) to every association of employers in that industry which has been recognised by the Provincial Government for the purposes of this Act under rule 3 a consolidated statement showing the number of members each registered or qualified union has in each occupation with such employers in that industry as are members of the Association concerned ;
- (c) to every registered and qualified union statements showing the numbers of employees employed in each occupation in each establishment with each employer in which and with whom the registered union concerned has members.

12. The statements submitted by the Registrar to employers or unions under rule 11 shall, until such time as they are altered by the submission of subsequent half-yearly statements, form the basis on which the employer and the unions concerned shall determine which union is a representative of employees (a) for the purpose of receiving or giving notices of change under sub-

sections (1) and (2) of section 28, and (b) for representing the employees concerned with such notices in all proceedings under the Act.

13. Where there is no registered union entitled to receive a notice of change from an employer under section 28, the employer shall send an intimation of the intended notice together with a copy of the notice which he proposes to give to the Labour Officer by registered post. Copies of the intimation and the proposed notice shall be posted by the employer prominently on a special board to be maintained for this purpose outside the time-keeper's office or at the entrance through which the majority of the employees enter the establishment and also in all the departments where the employees affected by the proposed change may be working.

14. The Labour Officer shall, within three days of the receipt of the intimation referred to in rule 13, proceed to hold a meeting of the employees affected by the proposed change at such place and time as he deems fit: and the Labour Officer or any other person deputed by him for the purpose shall explain to the employees present at such meeting the purport of the intended notice for the consideration of which such meeting has been called and the meeting may then decide by a majority vote whether they wish to elect their own representatives under clause (iii) of sub-section (29) of section 3 or whether they desire the Labour Officer to act as their representative in the matter.

15. In cases where the employees at a meeting held under rule 14 decide to elect their own representatives, the Labour Officer or any other person deputed by him for this purpose shall proceed to hold an election in such manner as he deems fit for the election of not more than five representatives of the employees affected by the change from among themselves.

16. If the employees concerned elect their representatives under rule 15 such elected representatives shall be deemed to be the representatives of the employees for the purposes of that notice and the Labour Officer shall within twenty-four hours of the holding of the election under rule 15, forward by registered post to the employer by whom the intimation referred to in rule 13 was sent, a letter informing him of the names of the employees who were elected at the meeting held under rules 14 and 15. The employer may thereupon proceed to serve on the said representatives of the employees the notice of which intimation was given under rule 13 in accordance with the provisions of sub-section (1) of section 28.

17. In any case where the employees at a meeting held under rule 14 decide not to elect their own representatives, the Labour Officer shall, within twenty-four hours of the holding of such

meeting, forward by registered post to the employer by whom the intimation referred to in rule 13 was sent, a letter informing him that the employees concerned have decided not to elect their own representatives and the employer may thereupon proceed to serve the notice of which intimation was given under rule 13 on the Labour Officer in accordance with sub-section (1) of section 28. The employer shall also post copies of such notice together with copies of the letter received from the Labour Officer on the Special notice board referred to in rule 13 and also in all the departments where the employees concerned with the proposed change may be working. The Labour Officer shall thereupon be deemed to be the representative of the employees for the purposes of that notice.

18. In a case where no registered union is entitled to be the representative of employees for the purpose of giving an employer a notice under sub-section (2) of section 28, an employee desiring a change in any standing order settled under section 26 or 27 or in respect of an industrial matter mentioned under Schedule II shall represent the same to the Labour Officer. On receipt of such representation the Labour Officer, unless the change affects only the employee making the representation, shall proceed to hold or cause to be held a meeting of the employees affected by such proposed change at such place and time as he may decide and in such manner as he deems fit; and the Labour Officer or any other officer deputed by him for the purpose shall explain to the employees present at such meeting the purport of the representation for the consideration of which such meeting has been called and the meeting may then decide by a majority vote whether they would like to elect their own representatives under clause (iii) of sub-section (29) of section 3 or whether they would like the Labour Officer to act as their representative in the matter.

19. In cases where the employees at a meeting held under rule 18 decide to elect their own representatives, the Labour Officer or any other officer deputed by him for this purpose shall proceed to hold an election in such manner as he deems fit for the election of not more than five representatives of the employees concerned from among themselves.

20. If the employees elect their representatives under rule 18, such representatives shall be deemed to be the representatives of the employees for the purposes of that representation and the Labour Officer shall, within twenty-four hours of the holding of the election under rules 18 and 19, forward to the employers a memorandum containing the subject-matter of the proposed change together with the list of the names of the elected representatives, and such elected representatives shall thereupon



proceed to give notice to the employer concerned in the manner provided for in rule 47.

**Registration of Unions**

21. The register of unions referred to in section 6 shall be maintained in Form E.

22. Any employer or any union may at any time call upon the Registrar in writing for information in connection with the total number of employees employed in any industry or in any occupation in any local area to which some or all of the provisions of the Act have been applied, and on the receipt of such a request the Registrar shall furnish the said employer or union with the required information.

23. Any recognised union which applies for registration under section 7 shall do so in Form F.

24. The fee payable on registration of a union shall be rupee one.

25. Upon an application for registration of a union under the Act, the Registrar may require from that union such evidence as may seem to him necessary to show that the union satisfies the conditions specified in section 7.

26. The certificate of registration issued by the Registrar under section 8 shall be in Form G.

27. Before registering any union the Registrar shall hold such enquiry as he deems fit in order to satisfy himself that no registration is effected in contravention of provisos (a) to (e) to section 8.

**Registration of another union in place of existing registered union**

28. The fee payable by a union which makes an application to the Registrar under section 10 shall be Rs. 10.

**Declaration of unions as qualified unions**

29. The register of unions declared as qualified unions shall be maintained on Form H.

30. The application for the declaration of a union as a qualified union shall be made in Form I.

31. The fee payable on the declaration of a union as a qualified union shall be rupee one.

**Declaration of unions as Representative Unions**

32. The certificate of the declaration of a registered union as a representative union by the Registrar under section 12 shall be in Form J.

**Registration and declaration of unions whose registrations or declarations have been cancelled**

33. Any union whose registration or declaration as a qualified union has been cancelled under the Act shall apply for re-

gistration in Form F or for re-declaration as a qualified union in Form I.

**Panels of Employers' and Employees' Representatives for appointment on Boards of Conciliation**

34. The Provincial Government shall maintain two separate panels of\* an equal number of persons representing the interest of the employers and employees respectively for the purpose of appointment on Boards of Conciliation constituted under section 23. Before making appointments to these panels, the provincial Government shall invite associations of employers and workers and such other bodies and persons as Government may deem fit to recommend the names of suitable persons for this purpose. The members of the panels shall be selected from the names so submitted.

35. The list of panels constituted under rule 34 shall be published in the Official Gazette.

36. The name of any member of a panel who has been adjudged a bankrupt, or has been declared insane, or who has been convicted in a criminal proceeding, for an offence involving moral turpitude shall be removed from the panel.

37. Any vacancy on these panels which may have been caused by resignation, death or by virtue of rule 36 shall be filled in the manner provided for in rule 34. The appointment of a person in every vacancy so filled shall be notified in the Official Gazette.

38. The names of members of the panels provided for in rules 34 to 37 shall be published in the first issue of the Official Gazette for the month of April in every year and up-to-date copies of the lists shall be maintained in the office of the Registrar.

**Vacancies in Boards of Conciliation**

39. Any vacancy which has been created on a Board of Conciliation shall be filled by the Provincial Government in the case of the members from the panel concerned or in the case of the Chairman by an independent person and the name of the person appointed shall be notified in the Official Gazette. The proceedings of the Board shall be stayed until such time as the vacancy has been notified.

40. If any member of a Board of Conciliation constituted under section 23 is adjudged a bankrupt or is declared insane or is convicted in any criminal proceeding, for an offence involving moral turpitude, he shall cease to be a member of such Board and the vacancy so created shall be filled in the manner laid down in rule 39.

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\* Vide G. of B. Gaz. Part IV A., p. 1964 of 2-11-39.

### Standing Orders

41. Within two months of the date of the application of section 26 to any industry in any local area every employer in the industry concerned shall forward by registered letter to the Commissioner of Labour, Secretariat, Bombay, a draft of the standing orders which he proposes should be adopted by the Commissioner of Labour for regulating the relations between him and his employees :

Provided, however, that in cases where any employer is a member of an association of employers which has been recognised as an association of employers for the purposes of the Act, he may elect to be bound by the standing orders recognised by that association and shall notify the Commissioner of Labour accordingly. The latter shall then call upon the said association of employers to submit the standing orders to him.

42. For the purposes of sub-section (1) of section 26 and these rules if any recognised association forwards to the Commissioner of Labour a list of its members and intimates that these members will be bound by the standing orders submitted by the association, the employers whose names are contained in the list shall be deemed to have complied with the provisions of sub-section (1) of section 26.

43. (1) The Commissioner of Labour, after he has settled the standing orders in the manner provided under the Act, shall, in addition to forwarding a copy of such standing orders to the Registrar, send copies of the same to the employer concerned and to each of the interests consulted by him under sub-section (2) of section 26.

(2) In cases where any particular employer is a member of an association of employers which has been recognised by the Provincial Government for the purposes of the Act and has elected to be bound by the standing orders submitted by such association to the Commissioner of Labour under the proviso to rule 41, the Commissioner of Labour shall forward the standing orders settled by him in respect of such association to that association and that association shall thereupon forward copies of such standing orders to each of its members who have elected to be bound by them.

(3) On receipt of each set of standing orders settled by the Commissioner of Labour, the Registrar shall record the same in a special register to be maintained for the purpose and shall intimate to the employer or association of employers concerned the date on which the standing orders have been recorded.

(4) On receipt of the intimation under sub-rule (3) the employer concerned shall get the standing orders settled and forwarded to him by the Commissioner of Labour printed in English

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and also in the principal regional language of the local area in which the establishment of such employer is situated :

Provided that in establishments where more than twenty per cent. of the total number of employees employed are Muhammadans such standing orders shall be printed also in Urdu :

Provided, further, that in all cases where an appeal has been filed under sub-section (4) of section 26 to the Industrial Court, and where the operation of the standing orders has been stayed by the Industrial Court such standing orders may not be printed until the appeal is decided.

(5) Every set of standing orders settled by the Commissioner of Labour and printed as required by sub-rule (4) shall be posted by the employer concerned prominently on a special board to be maintained for the purpose outside the time-keeper's office or at the entrance through which the majority of the employees enter the establishment and also in all the departments where the employees concerned are working.

## Notices of Change

44. Any employer intending to effect any change in any standing order settled under section 26 or 27 or in respect of an industrial matter mentioned in Schedule II shall give notice of such intention to the representative of the employees in Form K.

45. In addition to the officers mentioned in sub-section (1) of section 28, an employer giving notice under rule 44 shall forward a copy of such notice to every registered union and to every union which has been declared as a qualified union for the industry in the local area in which the establishment of the employer giving notice is situated.

46. Copies of the notice given under rule 44 shall be posted prominently on a special board to be maintained for this purpose outside the time-keeper's office or at the entrance through which the majority of the employees enter the establishment and in all the departments where the employees concerned are working.

47. (1) Any employee who desires change in any standing order settled under section 26 or 27 or in respect of an industrial matter mentioned in Schedule II shall observe the following procedure —

- (a) in a case where the employee is a member of a registered union and the majority of the employees directly affected by the proposed change are members of such union, the notice to the employer shall be given through the registered union ;
- (b) in a case where the employee concerned is a member of a representative union and some of the employees di-

rectly affected by the proposed change are members of such representative union, the notice of change to the employer shall be given through the representative union ;

- (c) in a case where the employee is not a member of a registered or a representative union or where the registered union is not qualified to represent the employee because the majority of the employees concerned with the proposed change are not members of the union, the employee concerned shall follow the procedure laid down in rules 18, 19 and 20.

(2) Any notice given by an employee to an employer under this rule shall be in Form L.

(3) Where more than one employee wishes to give notice of the same matter they shall jointly observe the procedure laid in these Rules.

48. In addition to the officers mentioned in sub-section (2) of section 28, an employee giving notice under rule 47 shall forward a copy of such notice to every registered union and to every union which has been declared as a qualified union for the industry in the local area in which the establishment of the employer concerned and in which the employees concerned are working is situated.

#### **Labour Officer to put terms of agreement to a meeting of employees**

49. The meeting to be held under section 31 shall be convened by the Labour Officer or by any other person deputed by him for the purpose at such place and time as he may decide and in such manner as he deems fit.

#### **Notification of Industrial Disputes**

50. The statement of the case referred to in section 34 shall be in Form M.

#### **Register of Industrial Disputes**

51. The register of industrial disputes referred to in section 35 shall be maintained in Form N.

#### **Conciliation Proceedings**

52. On receipt of the statement of the case under section 34 the Conciliator shall forthwith proceed to interview both the employers and the employees concerned with that dispute at such places and at such times as he may deem fit, and he shall endeavour to bring about a settlement of the dispute in question.

53. In a case where the Chief Conciliator decides to intervene in the conciliation proceedings commenced by another Con-

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ciliator or to direct a Special Conciliator to do so, the Chief Conciliator or the Special Conciliator may summon the representatives of each party to appear before him either singly or jointly at such places and at such times as he may deem fit. The representatives of the employers concerned with the dispute who may be summoned for this purpose shall not exceed five in number.

54. For the purposes of rule 53 the Chief Conciliator or the Special Conciliator may call upon the employer by a registered letter to elect not more than five delegates to represent him for the particular dispute. The delegates so elected shall continue to represent that employer throughout the conciliation proceedings, provided that the employer shall have the right to replace one or more of them at any time by forwarding previous intimation to the Chief Conciliator concerned.

55. In any proceedings before a Board of Conciliation, persons may, with the permission of the Board, appear by pleader, advocate or attorney of a High Court or in the case of a registered or qualified union by any of its officers.

56. Every Conciliator and every member of a Board of Conciliation shall have the power, after giving reasonable notice, to enter the place or places, where the employees concerned are employed or the office of any union or the premises provided by an employer for the residence of his employees for the purpose of holding a conciliation proceeding under the Act.

57. In matters not provided by these Rules or the Act, the Board may follow such procedure as it thinks fit.

## Memorandum of Settlement

58. The memorandum of settlement referred to in sub-section (1) of section 38 shall be drawn up in Form O.

59. The memorandum of settlement drawn up under rule 58 shall be published by the Registrar in the Official Gazette and a copy of the same shall also be forwarded to the Commissioner of Labour for publication in the Labour Gazette.

60. The notices referred to in sub-section (2) of section 38 shall be served on the parties concerned by registered letter or by special messenger.

## Industrial Court

61. The Industrial Court may, at the discretion of the President, in any matter in which it appears expedient to do so, call in the aid of one or more assessors, and may settle the matter wholly or partially with the assistance of such assessor or assessors.

62. The Industrial Court may, with the consent of the parties, act notwithstanding any vacancy in their number, and

no act, proceeding or determination of the Court, shall be called in question or invalidated by reason of any such vacancy, provided such consent has first been obtained.

63. The Industrial Court may correct in any award that it issues any clerical mistake or error arising from an accidental slip or omission.

64. If any question arises as to the interpretation of any award of the Industrial Court the Provincial Government or any party to the award may apply to such Court for a decision on such question and the Court may decide the matter after hearing the parties, or with the consent of the parties without such hearing. In either case the Court shall intimate its decision to the Provincial Government and to the parties concerned and no such decision shall be called in question in any civil or criminal court.

65. In any proceedings before the Industrial Court, persons may, with the permission of the Board, appear by pleader, advocate or attorney of a High Court or in the case of a registered or qualified union by any of its officers.

66. Subject to the provisions of these rules the Industrial Court may regulate its own procedure as it thinks fit.

67. Whenever any letter, notice, statement or intimation is required to be forwarded or sent under any of these rules by registered post it shall be deemed to have been duly forwarded or sent for the purposes of these rules if such letter, notice, statement or intimation is delivered by hand and an acknowledgment in writing, by or on behalf of the other party concerned is obtained in respect of such delivery.

#### FORM A

(See Section 74 and Rule 3.)

#### BOMBAY INDUSTRIAL DISPUTES ACT, 1938

#### Application for Recognition of Association of Employers

Name of Association.

Address.

Dated the

day of

19 .

To

The Registrar,  
Bombay Industrial Disputes Act,  
Secretariat, Bombay.

Dear Sir,

I beg to inform you that at a meeting of the Managing\* Committee of this Association which was held at \_\_\_\_\_ on the \_\_\_\_\_

---

\*Or the body by whatever name called, to which the management of the affairs of the Association is entrusted.

# LABOUR AND FACTORY LEGISLATION

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It was decided that this Association of employers should apply for recognition as an association of employers for the purposes of the Bombay Industrial Disputes Act, 1938.

2. This Association covers employers in the industry and it has for one of its objects the regulation of conditions of employment in the industry conducted or carried on by its members. The names of all the members together with their addresses are given in Annex. I attached to this form.

3. I am enclosing a copy of the Memorandum of Association of this Association. A list of the members of the Managing Committee of the Association is given in Annex. II.

Yours faithfully,  
Secretary:

## ANNEX. I. List of Members of the Association

Name of Employer	Address	Section or sections of the industry covered

## ANNEX. II. Names of the Members of the Managing Committee of the Association

Designation and Names	Address	Name of firm to which the member belongs
Chairman or President		
Vice-Chairman or		
Secretary		
Members		



LABOUR AND FACTORY LEGISLATION

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FORM B

(See Section 74 and rule 3)

BOMBAY INDUSTRIAL DISPUTES ACT, 1938

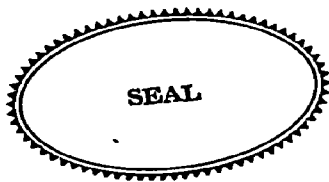
Certificate of Recognition of Association of Employers

Name of Association  
Recognition No.

Office of the Registrar, Bombay Industrial Disputes Act, Secretariat, Fort, Bombay.

It is hereby certified that the Association  
has been recognised by the Provincial Government as an Associa-  
tion of Employers in the industry for the local <sup>area</sup> areas  
of for the purposes of the Act on  
this 19 . day of

Registrar,  
Bombay Industrial Disputes Act.



FORM C

[See Sections 3 (25) and 84 (2) (a) and rule 5]  
BOMBAY INDUSTRIAL DISPUTES ACT, 1938

Application for Recognition of Trade Unions.

Name of Trade Union.

Address.  
Dated the day of

19 .

To

Dear Sir/Sirs,

I beg to inform you that at a general meeting of the members of this  
Union which was held at meeting of the Executive  
19 it was decided that this Union should apply to you for  
recognition. on the day of



FORM D

[See Sections 3 (25) and 84 (2) (a) and rule 6]

BOMBAY INDUSTRIAL DISPUTES ACT, 1938

Letter of Recognition of Trade Union

Name of Employer.  
Association of Employers Address.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 .

To  
The Secretary,  
Union.

Dear Sir,

I  
we beg to acknowledge receipt of your letter dated the  
day of \_\_\_\_\_ 19 , in reply to which I  
we have to in-  
form you that I  
the partners of this firm  
the Board of Directors of this Company  
the Committee of this Association have decided to recog-  
nise your union for the purposes of the Bombay Industrial Dis-  
putes Act, 1938.

Yours faithfully,

(\*)

---

\*Here insert the position which the person who signs this letter holds with the employer or association issuing this letter.

## LABOUR AND FACTORY LEGISLATION

## FORM E

(See Section 6 and Rule 21)

## BOMBAY INDUSTRIAL DISPUTES ACT, 1938

## Form for Register of Registered and Representative Unions

Name of Trade Union	Date of registration as a representative union registered	Remarks

Address of Head Office.

The Union has been recognised by :

The union had a membership of \_\_\_\_\_ per cent. of the total  
number of the employees employed in the

\_\_\_\_\_ industry  
occupation/occupations of \_\_\_\_\_ in the \_\_\_\_\_ industry  
in the \_\_\_\_\_ local area on the \_\_\_\_\_ day\* of \_\_\_\_\_ 19 .

\* This record is to be maintained month by month whilst the registration of the union continues.

LABOUR AND FACTORY LEGISLATION

FORM F

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(See Section 7 and Rules 23 and 33)

BOMBAY INDUSTRIAL DISPUTES ACT, 1938

Application for registration of Unions

Name of Trade Union.

Address.

Dated the

day of

19 .

To

The Registrar,  
Bombay Industrial Disputes Act,  
Secretariat, Bombay.

Dear Sir,

I beg to inform you that at a general meeting of the members of this Union which was held at meeting of the executive on the day of 19 it was decided that this union should apply to you for registration under section 7 of the Act. A copy of the resolution signed by the Chairman of this union is attached.

2. This union is an industrial union covering the occupational union covering industry in the industry and was registered under the Indian Trade Unions Act, 1926, on the day of 19 under Certificate No. issued by the Registrar of Trade Unions for the Province of Bom- bay. The Union has members in all, and this re- presents per cent. of the total number of employees employed in the industry in the industry occupation/occupations of in the local area of

\*3. This union has been recognised by :—

\*3. This union has not been recognised by the employers covered by the membership of the union.  
4. The address of the head of office of the Union to which all communications and notices may be addressed is

Yours faithfully,

Secretary.

\* Strikes out whichever does not apply.  
† Here insert the name or names of the employers or the association of employers by whom the union has been recognized.

## LABOUR AND FACTORY LEGISLATION

## FORM G

(See Section 8 and Rule 26)

## BOMBAY INDUSTRIAL DISPUTES ACT, 1938

## Certificate of registration of Unions

Name of Trade Union.

Office of the Registrar,  
Bombay Industrial Disputes Act,  
Secretariat, Fort, Bombay.

It is hereby certified that the \_\_\_\_\_ Union has been registered under the Bombay Industrial Disputes Act, 1938, this day \_\_\_\_\_ of \_\_\_\_\_ 19 \_\_\_\_\_ as an occupational industrial union covering the occupation/occupations of \_\_\_\_\_ in the \_\_\_\_\_ industry for the local area of \_\_\_\_\_ industry

Registrar,  
Bombay Industrial Disputes Act.

## FORM H

(See Section 11 and Rule 29)

## BOMBAY INDUSTRIAL DISPUTES ACT, 1938

## Form for Register of Unions which have been declared as Qualified Unions

Name of Trade Union	Date of declaration as a qualified union.	Remarks.

Address of Head Office

The union had a membership of \_\_\_\_\_ per cent. of the  
total number of the \_\_\_\_\_ employees employed in the  
\_\_\_\_\_ occupation/occupations in the \_\_\_\_\_ industry  
in the local area of \_\_\_\_\_ on the \_\_\_\_\_ day\* of  
19 .

FORM I

(See Section 11 and Rules 30 and 33)

BOMBAY INDUSTRIAL DISPUTES ACT, 1938

Application for declaration of a union as a qualified union

Name of Trade Union

Address

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 .

To

The Registrar,  
Bombay Industrial Disputes Act,  
Secretariat, Bombay.

Dear Sir,

I beg to inform you that at a <sup>general meeting of the members</sup><sub>meeting of the executive</sub> of this  
Union which was held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19  
it was decided that this union should apply to you for being de-  
clared as a qualified union under section 11 of the Act. A copy  
of the resolution, signed by the Chairman of this union, is  
attached.

2. This union is an <sup>industrial union covering the union</sup><sub>occupational union covering the occupation/occupations</sub>  
industry of \_\_\_\_\_ in the \_\_\_\_\_ industry and was registered under the  
Indian Trade Unions Act, 1926, on the \_\_\_\_\_ day of  
19 \_\_\_\_\_ under Certificate No. \_\_\_\_\_ issued by the Registrar  
of Trade Unions for the Province of Bombay. The Union has  
\_\_\_\_\_ members in all, and this represents \_\_\_\_\_ per  
cent. of the total number of employees employed in the  
industry of \_\_\_\_\_ in the \_\_\_\_\_ industry in the local area of  
occupation/occupations of \_\_\_\_\_ in the \_\_\_\_\_ industry

3. The address of the head office of the union to which all  
communications and notices may be addressed is \_\_\_\_\_

\* This record is to be maintained month by month whilst the union continues on th  
Register as a union which has been declared as a qualified union.

A list of the officers of the Union is given in the annex which is appended to this form.

Yours faithfully,

Secretary.

### ANNEX

#### List of Officers [as defined in section 2 (b) of the Indian Trade Unions Act, 1926]

Name of Trade Union—

Office held in union	Name	Age	Occupation	Residential address

### FORM J

(See Section 12 and Rule 32)

#### BOMBAY INDUSTRIAL DISPUTES ACT, 1938

#### Certificate of declaration of Registered Unions as Representative Unions

Name of Trade Union.

Office of the Registrar,  
Bombay Industrial Disputes Act,  
Secretariat, Fort, Bombay.

It is hereby certified that the \_\_\_\_\_ Union, which was registered under the Bombay Industrial Disputes Act, 1938, on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ as an occupational industrial union covering the occupation/occupations of industry in the industry \_\_\_\_\_ for the local area of \_\_\_\_\_ was declared as a representative union on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Registrar,  
Bombay Industrial Disputes Act.



FORM K

[See Section 28 (1) and rule 44]

BOMBAY INDUSTRIAL DISPUTES ACT, 1938

Form for notice of change to be given by an employer

Name of Employer

Address

Dated the

day of

19 .

To

(The Secretary of the Registered Union, if any,

or

The Labour Officer.)

Dear Sir,

In accordance with the provisions of sub-section (1) of section 28 of the Bombay Industrial Disputes Act, 1938,  $\frac{I}{we}$  beg to inform you that it is  $\frac{my}{our}$  intention to effect the change/changes specified in the Annex to this letter.

Yours faithfully,

( \* )

\*Here insert the position which the person who signs this letter holds with the employer issuing this letter.

ANNEX

Statement of the case.

## FORM L

[See Section 28 (2) and Rule 47 (2)]

## BOMBAY INDUSTRIAL DISPUTES ACT, 1938

Form for notice of change to be given by employee to employer

Name of UnionNames of elected representatives of employeesName of Labour Officer

Address

Dated the                      day of                      19 .

To

(The name of the employer.)

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (2) of section 28 of the Bombay Industrial Disputes Act, 1938,  $\frac{I}{we}$  hereby beg to give you notice that  $\frac{I}{we}$  desire a change in accordance with the statement appended in the Annex attached to this form.

Yours faithfully,

Secretary of the Union
Representatives of the employees elected at a meeting held on  
Labour Officer.

## ANNEX

Statement of the case.

LABOUR AND FACTORY LEGISLATION  
FORM M

825

(See Section 34 and Rule 50)

BOMBAY INDUSTRIAL DISPUTES ACT, 1938  
Part I for use by employers

Form for report of Industrial Dispute

Name of Employer

To

Dated the

Address

day of

19

1. The Registrar, Bombay Industrial Disputes Act, Secretariat, Fort, Bombay.
2. The Chief Conciliator, Secretariat, Fort, Bombay.
3. The Conciliator, Bombay Industrial Disputes Act (Address of the Office of the Conciliator in the local area concerned).

Dear Sir,

In continuation of the copy of the notice which  $\frac{I}{we}$  forwarded to you on the \_\_\_\_\_ day of \_\_\_\_\_ 19  $\frac{I}{we}$  beg to inform you that it has not been possible to reach an agreement with the representative of the employees and that  $\frac{I}{we}$  still desire that the change/changes proposed by that notice should be effected.

2.  $\frac{I}{we}$  append a full statement of the case in the Annex attached to this form.
3. The number of employees likely to be affected by this dispute is \_\_\_\_\_

Yours faithfully,  
(\*)

\*Here insert the position which the person who signs this letter holds with the employer or association of employers issuing this letter.

Full statement of the case.

ANNEX

# LABOUR AND FACTORY LEGISLATION

## FORM M

(See Section 34 and Rule 50)

### BOMBAY INDUSTRIAL DISPUTES ACT, 1938

Form for notification of Industrial Dispute

Part II for use by employees

Name of Union

Names of Elected Representatives of Employees

Name of Labour Officer

Dated the

Address  
day of

19 .

To

1. The Registrar, Bombay Industrial Disputes Act, Secretariat, Fort, Bombay.
2. The Chief Conciliator, Secretariat, Fort, Bombay.
3. The Conciliator, Bombay Industrial Disputes Act (Address of the Office of the Conciliator in the local area concerned).

Dear Sir,

In continuation of the copy of the notice which  $\frac{I}{we}$  forward-  
ed to you on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_  $\frac{I}{we}$  beg  
to inform you that it has not been possible to reach an agree-  
ment with the \_\_\_\_\_ (name of  
employer concerned) \_\_\_\_\_ in the matter and  
that  $\frac{I}{we}$  still desire that the change/changes proposed by that  
notice should be effected.

2.  $\frac{I}{we}$  appended a full statement of the case in the Annex  
attached to this form.
3. The number of employees likely to be affected by this  
dispute is \_\_\_\_\_

Yours faithfully,

Secretary of the Union

Representatives of the employees elected at a meeting held on \_\_\_\_\_

Labour Officer

ANNEX

Full statement of the case.

FORM N

(See Section 35 and Rule 51)

BOMBAY INDUSTRIAL DISPUTES ACT, 1938

Register of Industrial Disputes for the Local Area of

No.	Date of receipt of statement under section 35	Name of establishment affected	Name of representative of the employees	Number of employees likely to be affected by the dispute	Short statement of the case	Progress of proceedings	Manner in which the matter terminated	Remarks

FORM O

[See Section 38 (1) and Rule 58]

BOMBAY INDUSTRIAL DISPUTES ACT, 1938

Form for Memorandum of Settlement

Names of Parties

- (1) Representing Employers.
- (2) Representing Employees.

Short recital of case.

Terms of Agreement

Signature of the Parties.

Signature of Conciliator.

## APPENDIX II

**STANDING ORDERS AS FINALLY SETTLED BY THE INDUSTRIAL COURT UNDER SECTION 26 (6) OF THE BOMBAY INDUSTRIAL DISPUTES ACT, 1938 FOR OPERATIVES IN COTTON TEXTILE MILLS**

The Standing Orders as finally settled by the Industrial Court under Section 26 (6) of the Act, for Operatives in the Cotton Textile Mills in Bombay City, Kurla, Gokak, Poona and Sholapur are reproduced below. The Standing Orders for Operatives in the Cotton Textile Mills in other centres (Ahmedabad, Viramgam, Nadiad and Surat) are practically the same as for Bombay City etc., but wherever there are changes both are given separately.

1. These orders shall come into force on and from the 12th December, 1939.

2. In these orders, unless there is anything repugnant in the subject or context :

**Bombay and others**

(a) "Operatives" means all work-people, male and female employed in the mill or in the mill premises, whose names and ticket numbers are included in the departmental musters, and includes Overseers, Jobbers, Muccadams, Watch and Ward Staff, Motor Vehicle Staff and Cartmen.

(b) "The Company" means

(c) "The Manager" means the Company's Manager or Acting Manager for the time being.

(d) The masculine includes the feminine.

3. Operatives shall be classed as (1) Permanent ; (2) Probationers ; (3) Badlis ; (4) Temporary Operatives ; and (5) Apprentices.

A "permanent" operative is one whose name has been entered in the Muster Roll and who has been given a permanent ticket and has completed a probationary period of two months in the same or another occupation in the mill.

A "probationer" is one who is provisionally employed to fill a permanent vacancy, and has not completed two months' service in that post. If a permanent operative is employed as a proba-

**Ahmedabad and others**

(a) "Operatives" means all work-people, male or female, employed in the mill or in the mill premises, either directly or through contractors and/or whose names and ticket numbers are included in the departmental or contractors' musters, and includes Overseers, Jobbers, Muccadams, Watch and Ward Staff, Motor Vehicle Staff and Cartmen.

Mills Co., Ltd.

tioner in a new post he may, at any time during the probationary period of two months, be reverted to his old permanent post.

A "badli" is one who is employed on the post of a permanent operative or probationer, who is temporarily absent.

**Bombay and others**

A "temporary operative" is one who is engaged for work which is of an essentially temporary character.

**Ahmedabad and others**

A "temporary operative" is one who is engaged for work which is of an essentially temporary character, or who is engaged temporarily as an additional operative in connection with work of a permanent character.

An "apprentice" is a learner who is given a nominal allowance during the period of his training.

**Bombay and others**

4. Every permanent and probationary operative without exception shall be provided with a departmental ticket showing his number, and on attendance each day, shall deliver up the ticket at the place provided.

**Ahmedabad and others**

4. Every operative shall be given a permanent ticket unless he is a probationer, badli, temporary operative or an apprentice.

Every permanent operative, without exception, shall be provided with a departmental ticket showing his number, and on attending the mill each day, shall on being required to do so, show it to the person authorised by the Company to inspect it.

Every "badli" shall be provided with a "badli" card, which shall be surrendered if he obtains permanent or probationary employment.

Every "badli" shall be provided with a "badli" card, which shall be surrendered if he obtains permanent employment.

Every temporary operative shall be provided with a special ticket or a pass which he shall surrender at the place provided when entering the mill.

Every apprentice shall be provided with a card which shall be surrendered if he obtains permanent or probationary employment.

Every apprentice shall be provided with a card which shall be surrendered if he obtains permanent employment.

5. The periods and hours of work for all classes of operatives shall be posted up on a notice board at the time-keeper's office.

6. (Notices specifying (a) the days observed by the mill as holidays and (b) pay days, shall be posted as required by the Factories Act and the Payment of Wages Act respectively.

#### **Bombay and others**

7. Notices specifying the rates of wages payable to all classes of workers and for all classes of work shall be displayed in a conspicuous position in the departments in which the operatives concerned are actually working.

8. Any wages due to an operative but not paid on the usual pay day on account of their being unclaimed shall be paid by the Company on such unclaimed wage pay day in each week as may be notified to the workers and following the date on which a substantiated claim was presented by the operative or, on his behalf, by his legal representative provided that such claim is submitted within three years from the date on which the wages become due to the operative.

9. Shift working shall be regulated in accordance with the Factories Act. More than one shift may be worked in a department or departments or any section of a department at the discretion of the Company. If more than one shift is worked

#### **Ahmedabad and others**

7. Notices specifying the rates of wages payable to all classes of workers and for all classes of work with such essential data as will enable the wages to be determined shall be displayed on beams in the Weaving department and in other departments at such conspicuous places as the Company thinks fit.

8. Any wages due to an operative but not paid on the usual pay day on account of their being unclaimed shall be paid by the Company on such unclaimed wage pay day in each week as may be notified to the workers and following the date on which a substantiated claim was presented by the operative or, on his behalf, by his legal representative provided that such claim is submitted within three years from the date on which the wages become due to the operative. If the operative is unable to present himself, the Company shall, if requested by him in writing so to do, send his pay by Money Order at his cost.

9. Shift working in a department or departments or a section of a department shall be regulated in accordance with the Factories Act. If, however, there are any collective agreements or awards for regulating shift working they shall be



in the mill, operatives shall be liable to be transferred from one shift to another. Shift working may be discontinued after putting up a notice in the time-keeper's office. Notice of one month of discontinuance of any shift shall be given, provided, however, that it shall not be necessary to give one month's notice if as a result of the discontinuance of the shift no permanent employee is discharged. If as a result of discontinuance of shift working any permanent employees are likely to be discharged, they shall be discharged having regard to the length of their service in the mill, those with the shortest term of service being discharged first. If the shift is re-started, a week's notice thereof shall be given by posting a notice at the mill premises and the employees discharged as a result of discontinuance of the shift shall, if they present themselves at the time of re-starting of the shift have preference in being re-employed having regard to the length of their previous service in the mill, those with the longest term of service being re-employed first.

adhered to in so far as they are not inconsistent with the Factories Act. Shift working may be discontinued after putting up a notice in the time-keeper's office. Notice of one month of discontinuance of any shift shall be given provided, however, that it shall not be necessary to give one month's notice if as a result of the shift no permanent employee is discharged. If as a result of discontinuance of shift working, any permanent employees are likely to be discharged, they shall be discharged having regard to the length of their service in the mill, those with the shortest term of service being discharged first. If the shift is re-started, a week's notice thereof shall be given at the mill premises and the employees discharged as a result of discontinuance of the shift shall, if they present themselves at the time of re-starting of the shift, have preference in being re-employed, having regard to the length of previous service in the mill, those with the longest term of service being re-employed first.

10. All operatives shall be at work in the mill at the times fixed and notified to them. Operatives attending late shall be shut out and treated as absent.

Any operative, who after presenting his ticket, card or pass, is found absent from his proper place or places of work during working hours without permission or without any sufficient reason, shall be liable to be treated as absent for the period of his absence.

If, however, he is so absent from the mill premises during working hours without permission, he shall be liable to be treated

as absent for the whole day, in case his absence commences before the recess period, and for half a day in case his absence commences after the recess period.

If the operative is so absent from the mill premises with the permission of the head of the department, his wages for the period of absence shall be liable to be deducted.

The deductions from wages to be made for the periods of absence under this Standing Order shall be made in accordance with the provisions of the Payment of Wages Act.

#### **Bombay and others**

11. Service for a total period of 12 months in a mill shall qualify an operative for a total period of one month's leave. Grant of such leave shall depend on the exigencies of the mill and shall be at the discretion of the Company.

#### **Ahmedabad and others**

11. Service for a total period of 12 months in a mill shall qualify an operative for a total period of one month's leave, with or without pay, according to the terms of contract, custom or usage of the mill. Grant of such leave shall depend on the exigencies of the mill and shall be at the discretion of the Company.

Any operative who desires to obtain leave of absence shall apply to an officer or officers appointed for the purpose by the Company. It shall be the duty of such officer or officers to obtain the orders, on such application, of the authority appointed by the Company on two days in a week fixed for the purpose; provided, that if the leave applied for is of an urgent nature, that is, to commence on the date of the application or within three days thereof, the orders of the authority empowered to grant leave shall be obtained without any delay. If the leave asked for is granted, a leave pass shall be issued to the operative. If, however, the leave is refused or postponed, the fact of such refusal or postponement and the reasons therefor shall be recorded in writing in a register to be maintained for the purpose, and if the operative so desires a copy of such entry in the register shall be supplied to him. If the operative after proceeding on leave desires an extension thereof he shall make an application for the purpose to the authority granting leave either in writing or orally or through any other person. In any case, a written reply either of the grant or refusal of extension of leave shall be sent to the operative if his address is available and if such reply is likely to reach him before the expiry of the leave originally granted to him.

If the operative remains absent beyond the period of leave originally granted or subsequently extended, he shall lose his

lien on his appointment unless (1) he returns within eight days of the expiry of the leave and (2) gives explanation to the satisfaction of the authority granting leave of his inability to return before the expiry of leave. In case the operative loses his lien on the appointment, he shall be entitled to be kept on the "badli" list.

**Bombay and others**

12. An operative may be granted casual leave of absence not exceeding 10 days in the aggregate in a calendar year. Such leave shall not be for more than three days at a time except in case of sickness. Such leave is intended to meet special circumstances which cannot be foreseen. Ordinarily, the previous permission of the head of the department shall be obtained before such leave is taken, but when this is not possible, the head of the department shall as soon as may be practicable be informed in writing of the absence from work and of probable duration of such absence.

13. The number of holidays to be granted to the operatives and the days which shall be observed as holidays by the mill shall be regulated in accordance with the Factories Act and the custom or usage of the mill.

14. No operative shall enter or leave the mill premises except by the gate or gates appointed for the purpose.

**Bombay and others**

15. All male operatives shall be liable on leaving the mill premises to be searched by the gateman and all female operatives shall be liable to be detained by the gateman for search by the female searcher, if acting without malice he suspects that any operative

**Ahmedabad and others**

12. An operative may be granted casual leave of absence with or without pay not exceeding 10 days in the aggregate in a calendar year. Such leave shall not be for more than three days at a time except in case of sickness. Such leave is intended to meet special circumstances which cannot be foreseen. Ordinarily, the previous permission of the head of the department shall be obtained before such leave is taken, but when this is not possible the head of the department shall as soon as may be practicable, be informed in writing of the absence from work and of the probable duration of such absence.

**Ahmedabad and others**

15. If any operative is in possession of any cloth manufactured or similar to that manufactured in the mills, he shall show it and get it marked by the gate-keeper or a clerk when entering the mill.

All male operatives shall be liable on leaving the mill pre-

## LABOUR AND FACTORY LEGISLATION

who is so detained is in wrongful possession of the property belonging to the Company; provided that no search shall be made except in the presence of two other persons of the same sex as the suspected operative. mises to be searched by the gateman and all female operatives shall be liable to be detained by the gateman for search by the female searcher, if acting without malice he suspects that any operative who is so detained is in wrongful possession of the property belonging to the Company; provided

(1) That an operative may, with the previous permission in writing of the head of the department, take samples of yarn and/or cloth for the purpose of a *bona fide* trade dispute;

(2) That no search shall be made except in the presence of two other persons of the same sex as the suspected operative.

16. The Company may, at any time or times, in the event of a fire, catastrophe, breakdown of machinery, or stoppage of the power supply, epidemic, civil commotion or other cause, beyond the control of the Company, stop any machine or machines or department or departments, wholly or partially for any period or periods, without notice and without compensation in lieu of notice.

In the event of a stoppage of any machine or department under this Order during working hours, the operatives affected shall be notified by notices put upon notice boards in the department concerned and at the time-keeper's office, as soon as practicable, when work will be resumed and whether they are to remain or leave the mill. The period of detention in the mill shall not ordinarily exceed one hour after the commencement of the stoppage. If the period of detention does not exceed one hour, operatives so detained shall not be paid for the period of detention. If the period of detention in the mill exceeds one hour, operatives so detained shall be entitled to receive wages for the whole of the time during which they are detained in the mill as a result of the stoppage. In the case of pieceworkers, the average daily earnings for the previous month (Hapta in the case of other centres) shall be taken to be the daily wages.

17. Any operative played off under Order 16 shall not be considered as dismissed from service, but as temporarily unem-

ployed, and shall not be entitled to wages during such unemployment except to the extent mentioned in Order 16. Whenever practicable a reasonable notice shall be given of resumption of normal work and all operatives played off under Order 16, who present themselves for work, when the normal working is resumed, shall have prior right of reinstatement.

18. The Company may, in the event of a strike affecting either wholly or partially, any one or more department or departments of the mill, close down, either wholly or partially such department or departments and any other department or departments affected by such closing down, and for any period or periods. The fact of such closure shall be notified by notices put upon the notice board in the departments concerned and in the time-keeper's office as soon as practicable. The operatives concerned shall also be notified by a general notice prior to the resumption of work, as to when work will be resumed.

19. (a) The employment of any permanent operative may be terminated by fourteen days' notice or by payment of thirteen days' wages in lieu of notice. If he draws wages on a piece-rate basis, the thirteen days' wages shall be computed on the average daily earnings of such operative for the days actually worked during the previous wage period. The reasons for the termination of service shall be recorded in writing and shall be communicated to the operative, if he so desires at the time of discharge, unless such communication, in the opinion of the Manager may directly or indirectly lay the Company and the Manager or the person signing the communication open to criminal or civil proceedings at the instance of the operative.

(b) Probationers other than those transferred from permanent posts in the mill, "badlis", temporary operatives and apprentices may leave, or be discharged from service without notice by an Officer not below the rank of the head of a department.

(c) Where the employment of any person is terminated by or on behalf of the mill, the wages earned by him shall be paid before the expiry of the second working day from the day on which his employment was terminated.

20. Any permanent operative desirous of leaving the Company's service shall give fourteen days' notice to the head of the department concerned. The wages due to such an operative must, if possible, be paid on the day the notice expires and in any case within two days after the expiry of the notice.

∴ If any permanent operative leaves the service without notice he shall be liable to be sued for damages.

21. The following acts or omissions shall be treated as misconduct :—

- (a) Wilful insubordination or disobedience whether alone or in combination with another or others of any lawful and reasonable order of a superior.
- (b) Striking work in contravention of the provisions of the Bombay Industrial Disputes Act, 1938.
- (c) Inciting other operatives to strike work in contravention of the provisions of the Bombay Industrial Disputes Act, 1938.
- (d) Theft, fraud or dishonesty in connection with the Company's business or property.
- (e) Taking or giving bribes or any illegal gratification whatsoever.
- (f) Habitual absence without leave or absence without leave for more than ten consecutive days.
- (g) Habitual late attendance.
- (h) Habitual breach of any Standing Orders.

**Bombay and others**

**Ahmedabad and others**

- (i) Collection of any moneys within the mill premises for purposes not sanctioned by the manager.
- (i) Collection (other than collection of subscription of a registered trade union) of any moneys within the mill premises for purposes not sanctioned by the Manager.
- (j) Engaging in trade within the mill premises.

**Bombay and others**

**Ahmedabad and others**

- (k) Riotous or disorderly behaviour during working hours on mill premises or any act subversive of discipline.
- (k) Drunkenness or riotous or disorderly behaviour during working hours on mill premises or any act subversive of discipline.
- (l) Habitual negligence or neglect of work.
- (m) Habitual breach of any rules, or instructions for the maintenance and running of any department, or the maintenance of the cleanliness of any portion of the mill premises or mill compound.
- (n) Frequent repetition of any act or omission for which a fine may be imposed under the Payment of Wages Act.

See notes under S. O. 22

**Bombay and others**

22. (1) An operative may be suspended for a period not exceeding four days or dismissed without notice or any compensation in lieu of notice if he is found to be guilty of misconduct.

The order of suspension shall be in writing and may take effect immediately on communication thereof to the operative. Such order shall set out in detail the alleged misconduct and the operative shall be given an opportunity of explaining the circumstances alleged against him. If on enquiry the order is confirmed or modified, the operative shall be deemed to be absent from duty for the period of suspension and shall not be entitled to any remuneration for such period. If, however, the order is rescinded, the operative shall be deemed to be on duty during the full period of suspension and shall be entitled to the same wages as he would have received if he had not been suspended.

No order of dismissal shall be made unless the operative concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the circumstances alleged against him.

In awarding punishment under this Standing Order the Manager shall take into ac-

**Ahmedabad and others**

22. (1) An operative may be suspended for a period not exceeding four days or dismissed without notice or any compensation in lieu of notice if he is found to be guilty of misconduct.

The order of suspension shall be in writing and may take effect immediately on communication thereof to the operative. Such order shall set out in detail the alleged misconduct and the operative and/or the registered union of which he is a member shall be given an opportunity of explaining the circumstances alleged against him. If on enquiry the order is confirmed or modified, the operative shall be deemed to be absent from duty for the period of suspension and shall not be entitled to any remuneration for such period. If, however, the order is rescinded, the operative shall be deemed to be on duty during the full period of suspension and shall be entitled to the same wages as he would have received if he had not been suspended.

No order of dismissal shall be made unless the operative concerned and/or the registered union of which he is a member is informed in writing of the alleged misconduct and is given an opportunity to explain the circumstances alleged against him.

In awarding punishment under this Standing Order the Manager shall take into ac-

count the gravity of the misconduct, the previous record, if any, of the operative and any other extenuating or aggravating circumstances that may exist.

(ii) A copy of the order made by the Manager shall be supplied to the operative concerned.

count the gravity of the misconduct, the previous record, if any, of the operative and any other extenuating or aggravating circumstances that may exist.

(ii) A copy of the order made by the Manager shall be supplied to the operative concerned.

23. All complaints arising out of his employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent or servant shall be submitted by an operative or on his behalf by a registered union of which he is a member or by the Government Labour Officer to the Manager or such other officer or officers as he may appoint. The Manager or such officer shall personally investigate the complaint at such times and places as he may fix and the complainant operative, registered union, or the Government Labour Officer shall have the right to be present at such investigation. Where the complainant alleges unfair treatment or wrongful exaction on the part of his employer or his agent or servant, a copy of the order finally made shall be supplied to the complainant if he asks for one. In other cases the decision of the investigating officer, and the action, if any, taken by him shall be intimated to the complainant :

Provided that complaints relating to—

(1) assault or abuse by any person holding a supervisory position ; or

(2) refusal of an application for urgent leave shall be enquired into without avoidable delay by the Manager or such other officer or officers as he may appoint.

#### **Bombay and others**

24. Subject to the provisions of the Bombay Industrial Disputes Act, 1938, the decision of the Manager upon any question arising out of, in connection with, or incidental to these orders, shall be final, subject, however, to appeal to the Managing Agents and without prejudice to any right of an operative aggrieved by his or their

#### **Ahmedabad and others**

24. Subject to the provisions of the Bombay Industrial Disputes Act, 1938, the decision of the Manager upon any question arising out of, in connection with, or incidental to these orders, shall be final, subject, however, to appeal to the Managing Agents and to the machinery provided by collective agreements, if any,



decision to resort to legal proceedings in a Court of Law.

and without prejudice to any right of an operative aggrieved by his or their decision to resort to legal proceedings in a Court of Law.

25. When any probationer or permanent operative is summarily dismissed, suspended, or discharged, or leaves the services of the mill, or is granted leave of absence, he shall, except in cases of general retrenchment, closing down of departments, strike or lock-out, be given a written order in the form prescribed by the Company or the Mill-Owners' Association, Bombay/Ahmedabad, from time to time.

Every permanent employee shall be entitled to a service certificate, at the time of leaving service, dismissal or discharge.

26. Each Overseer, Jobber or Muccadam shall personally be held responsible for the proper and faithful observance of the Standing Orders and of the special rules made under the Factories Act and posted in the mill, particularly regarding the employment and working of women and children under him.

**Bombay and others**

27. A copy of these orders in English and also in the principal regional language of the local area in which the mill is situated shall be posted in the time-keeper's office and in all departments and in such other places in the mill premises as the Company may decide and shall be kept in a legible condition.

Provided that in establishments where more than 20 per cent of the total number of operatives employed speak a language other than the principal regional language, such Standing Orders shall be printed also in that language.

**Ahmedabad and others**

27. Every permanent operative working in the mill shall be provided with a registration card.

28. A copy of these orders in English and also in the principal regional language of the local area in which the mill is situated shall be posted in the time-keeper's office and in all departments and in such other places in the mill premises as the Company may decide and shall be kept in a legible condition.

Provided that in establishments where more than 20 per cent of the total number of operatives employed speak a language, such Standing Orders shall be printed also in that language.

The Standing Orders as settled by the Industrial Court under Section 26 (6) of the Bombay Industrial Disputes Act, 1938, on

2nd December 1939 shall apply to the operatives in the following cotton textile mills :—

### SCHEDULE "A"

#### Bombay City

1. The Appollo Mills, Ltd.
2. The Bombay Dyeing & Mfg. Co., Ltd.  
The Spring Mill.  
The Textile Mill
3. The Bombay Suryodaya Mills Ltd.
4. The Bradbury Mills Ltd.
5. The Century Spg. & Mfg. Co., Ltd.  
The Century Mill.  
The Zenith Mill
6. The Colaba Land & Mills Co., Ltd.  
The Colaba Mill.  
The Jehangir Wadia Mill.
7. The Crown Spg. & Mfg. Co., Ltd.
8. The David Mill Co., Ltd.
9. The Dawn Mills Co., Ltd.
10. The Dhanraj Mills Ltd.
11. The Digvijay Spg. & Wvg. Co., Ltd.
12. The E. D. Sassoon United Mills Ltd.  
The Alexandra Mill  
The E. D. Sassoon Mill  
The Jacob Sassoon Mill  
The Manchester Mill  
The Rachel Sassoon Mill
13. The Edward Sassoon Mill Ltd.
14. The Elphinstone Spg. & Wvg. Mills Co., Ltd.
15. The Meyer Sassoon Mill Ltd.
16. The Finlay Mills, Ltd.
17. The Gold Mohor Mills Ltd.
18. The Hindustan Spg. & Wvg., Mills Co., Ltd..
19. The Indian Mfg. Co. Ltd.
20. The Jam Mfg. Co., Ltd. (Nos. 1—2)
21. The Kamla Mills Ltd.
22. The Kohinoor Mills Co., Ltd.
23. The Khatau Makanji Spg. & Wvg. Co., Ltd.,
24. The Madhusudan Mills Ltd.
25. The Madhowji Dharamsi Wvg. Co., Ltd.
26. The Modern Mills Ltd. (Nos. 1—2)
27. The Moon Mills Ltd.
28. The Morarjee Goculdas Spg. Wvg. Co., Ltd.
29. The New City of Bombay Mfg. Co. Ltd.
30. The New China Mills Ltd.
31. The New Great Eastern Spg. & Wvg. Co., Ltd.
32. The New Kaiser-I-Hind Spg. & Wvg. Co. Ltd.
33. The New Union Mills Ltd.
34. The New Pralhad Mills Ltd.
35. The Phoenix Mills Ltd.
36. The Raghuvanshi Mills Ltd.
37. The Ruby Mills Ltd.
38. The Sassoon Spg. & Wvg. Co., Ltd.

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>39. The Shree Niwas Cotton Mills Ltd.</p> <p>40. The Simplex Mills Co., Ltd.</p> <p>41. The Shapurji Broacha Mills Ltd.</p> <p>42. The Seksaria Cotton Mills Ltd.</p> <p>43. The Standard Mills Co., Ltd.</p> <p>44. The Swan Mills Ltd.</p> <p>45. The Tata Mills Ltd.</p> <p>46. The Poddar Mills Ltd.</p> <p>47. The Victoria Mills Ltd. (Nos. 1—2)</p> <p>48. The Western India Spg. &amp; Mfg. Co., Ltd.</p> <p>*49. Hirjee Mills Ltd.</p> <p style="text-align: center;"><b>Kurla</b></p> <p>1. The Coorla Spg. &amp; Wvg. Co. Ltd.</p> | <p>2. The Swadeshi Mills Co. Ltd.</p> <p style="text-align: center;"><b>Gokak</b></p> <p>1. The Gokak Mills Ltd.</p> <p style="text-align: center;"><b>Poona</b></p> <p>1. The Raja Bahadur Motilal Poona Mills Ltd.</p> <p style="text-align: center;"><b>Sholapur</b></p> <p>1. The Laxmi Cotton Mfg. Co. Ltd.</p> <p>2. The Vishnu Cotton Mills Ltd.</p> <p>3. The Sholapur Spg. &amp; Wvg. Co., Ltd.</p> <p>4. The Jam Shri Ranjitsingji Spg. &amp; Wvg. Mills Co., Ltd.</p> <p>5. The Narsinggirji Mfg., Co., Ltd.</p> |
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**SCHEDULE "B"**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;"><b>Ahmedabad</b></p> <p>1. The Ahmedabad Advance Mills Ltd.</p> <p>2. The Ahmedabad Cotton &amp; Waste Mfg. Co. Ltd.</p> <p>3. Ahmedabad Cotton Mfg. Co. Ltd.</p> <p>4. The Ahmedabad Industrial Mills Co., Ltd.</p> <p>5. The Ahmedabad Jaya Bharat Cotton, Mills Ltd.</p> <p>6. The Ahmedabad Jubilee Spg. &amp; Mfg. Co., Ltd. (Nos. 1 &amp; 2).</p> <p>7. The Ahmedabad Jupiter Spg., Wvg. and Mfg. Co. Ltd.</p> | <p>8. The Ahmedabad Kaiser-I-Hind Mills Co., Ltd.</p> <p>9. The Ahmedabad Laxmi Cotton Mills Co. Ltd.</p> <p>10. The Ahmedabad Mfg. &amp; Calico Printing Co., Ltd. (Nos. 1—2)</p> <p>11. The Ahmedabad New Textile Mills Co., Ltd. (Nos. 1—2)</p> <p>12. The Ahmedabad New Cotton Mills Co., Ltd.</p> <p>13. The Ahmedabad Sarangpur Mills Co., Ltd. (Nos. 1—2)</p> <p>14. The Ahmedabad Shree Ram Krishna Mills Co., Ltd.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

15. The Ajit Mills Ltd.
16. The Aruna Mills Ltd.
17. The Arvind Mills Ltd.
18. The Aryodaya Spg. & Wvg. Co., Ltd. (Nos. 1—2).
19. The Aryodaya Ginning & Mfg. Co., Ltd.
20. The Asoka Mills Ltd.
21. The Bechardas Spg. & Wvg. Mills Co., Ltd.
22. The Balakia Mills Co., Ltd.
23. The Bharatkhand Cotton Mills Co., Ltd. (Nos. 1—2)
24. The Bharatkhand Textile Mfg. Co., Ltd.
25. The Bihari Mills Ltd.
26. The Commercial Ahmedabad Mills Co., Ltd.
27. The Fine Knitting Co. Ltd.
28. The Gujarat Spg. & Wvg. Co., Ltd.
29. The Girdhardas Harivalabhdas Mills Ltd.
30. The Gujarat Cotton Mills Co., Ltd.
31. The Harivallabhdas Mulchand Mills Co., Ltd.
32. The Hathising Mfg. Co. Ltd.
33. The Himabhai Mfg. Co., Ltd.
34. The Jehangir Vakil Mills Co., Ltd.
35. The Kalyu Mills Ltd.
36. The Lalbhai Tricumlal Mills Ltd.
37. The Manekchock and Ahmedabad Mfg. Co. Ltd. (Nos. 1—2)
38. The Maneklal Harilal Spg. & Mfg. Co. Ltd.
39. The Marsdon Spg. & Mfg. Co. Ltd.
40. The Monogram Mills Co., Ltd.
41. The Motilal Hirabhai Spg. Wvg. & Mfg. Co., Ltd. (Nos. 1—2).
42. The Nagri Mills Co., Ltd.
43. The National Mills Co., Ltd.
44. The New Commercial Mills Ltd.
45. The Maneckchock Mills Spg. & Wvg. Co., Ltd.
46. The New National Mills Ltd.
47. The New Rajpur Mills Co., Ltd.
48. The New Swadeshi Mills of Ahmedabad, Ltd.
49. The Nutan Mills, Ltd.
50. The Patel Mills Co., Ltd.
51. The Raipur Mfg. Co. Ltd.
52. The Rajnagar Spg., Wvg. & Mfg. Co. Ltd. (Nos. 1-2)
53. The Rohit Mills Ltd.
54. The Rustom Jahangir Vakil Mills Co., Ltd.
55. The Sarangpur Cotton Mfg. Co. Ltd. No. 1.
56. The Sarangpur Cotton Mfg. Co., Ltd. No. 2.
57. The Saraspur Mills Ltd.
58. The Shorrocks Spg. Co., Ltd.
59. The Shrinagar Wvg. & Mfg. Co., Ltd.
60. The Shri Vivekanand Mills Ltd.
61. The Silver Cotton Mills Ltd.
62. The Vijaya Mills Ltd.

63. The Vikram Mills Ltd.	Viramgam
*64. The Ananta Mills Ltd.	1. The Chandrodaya Mills Ltd. (Nos. 1 & 2).
*65. The Asarva Mills	2. The Jayanti Mills Ltd.
*66. The City of Ahmedabad Spg. & Mfg. Co. Ltd.	Nadiad
*67. The Shree Laxmi Wvg. & Mfg. Co. Ltd.	1. The New Shorrocks Spg. & Mfg. Co., Ltd.
*68. The Shri Ambica Mills Ltd. (Nos. 1 & 2)	Surat
	1. The Surat Cotton Spg. & Wvg. Mills Ltd.

#### APPENDIX II-A

#### STANDING ORDERS AS FINALLY SETTLED BY THE INDUSTRIAL COURT UNDER SECTION 26 (6) OF THE BOMBAY INDUSTRIAL DISPUTES ACT, 1938, FOR CLERKS IN COTTON TEXTILE MILLS

1. These Orders shall come into force on and from the 12th December 1939.

2. In these Orders, unless there is anything repugnant in the subject or context :

(a) "Employees" means clerks.

(b) "The Company" means ..... Mills Co., Ltd.

(c) "The Manager" means the Company's Manager, or Acting Manager for the time being.

(d) Masculine includes the feminine.

3. Employees shall be classed as (1) Permanent and (2) Temporary.

A "permanent" employee is one whose appointment has been confirmed in writing by the Company.

A temporary employee is one whose appointment has not been confirmed in writing by the Company.

4. The periods and hours of work of all classes of employees shall be posted up on a notice board, provided that if any particular employee is required to work for a different period he shall be notified to that effect in advance.

5. Notices specifying (a) the days observed by the mill as holidays and (b) pay days, shall be posted up on a notice board, provided that if any particular employee is required to work on holidays he shall be personally notified to that effect in advance.

6. A register shall be maintained by the Manager specifying the wages and the scales of pay, if any, of all employees and the register shall remain open to inspection by the employees on two days in a month fixed for the purpose.

7. Service for a total period of 12 months in a mill shall qualify an employee, with or without pay, according to the terms of contract, custom or usage of the mill, for a total period of one month's leave. Grant of such leave shall depend on the exigencies of the mill and shall be at the discretion of the Company.

Any employee who desires to obtain leave of absence shall submit an application in writing to the Manager. A copy of the orders passed shall be given to the employee and if leave is refused or postponed the reasons for the refusal or postponement shall be recorded in writing. An employee shall lose his lien on his appointment if he fails to return on the expiry of any leave or any extension thereof which may have been granted to him. The Manager may, however, restore an employee's lien on his appointment if the employee gives an explanation to the satisfaction of the Company of his inability to return before the expiry of the leave.

8. An employee may be granted casual leave of absence not exceeding 10 days in the aggregate in a calendar year with or without pay according to the terms of contract, custom or usage of the mill. Such leave is intended to meet special circumstances such as sickness which cannot be foreseen. Ordinarily, the previous permission of the Manager shall be obtained before such leave is taken, but when this is not possible the Manager shall, as soon as may be practicable, be informed in writing of the absence from work and of the probable duration of such absence.

9. The number of holidays to be granted to the employees shall be regulated in accordance with the law for the time being in force and/or the custom or usage of the mill. If an employee is required to work on a holiday, he shall be granted a substitute holiday on such other day as may be agreed upon between him and the Company.

10. The employment of any permanent employee may be terminated by one month's notice or one month's pay in lieu of notice unless provided otherwise in a specific agreement. The reasons for the termination of service shall be recorded in writing and shall be communicated to the employee, if he so desires, at the time of the discharge unless such communication, in the opinion of the Manager, may directly or indirectly lay the Company and the Manager or the person signing the communication open to criminal or civil proceedings at the instance of the employee.

The services of any temporary employee may be terminated without notice or pay in lieu of notice.

11. Any permanent employee desirous of leaving the Company's service shall give one month's notice in writing to the

Manager unless he has a specific agreement providing for a longer or shorter notice.

If any permanent employee leaves the service of the Company without giving notice, he shall be liable to be sued for damages.

12. The following acts or omissions shall be treated as misconduct :—

- (a) Wilful insubordination or disobedience whether alone or in combination with another or others of any lawful and reasonable order of a superior.
- (b) Striking work in contravention of the provisions of the Bombay Industrial Disputes Act, 1938.
- (c) Inciting other operatives or employees to strike work in contravention of the provisions of the Bombay Industrial Disputes Act, 1938.
- (d) Theft, fraud or dishonesty in connection with the Company's business or property.
- (e) Taking or giving bribes or any illegal gratification whatsoever.
- (f) Habitual absence without leave or absence without leave for more than ten consecutive days.
- (g) Habitual late attendance.
- (h) Habitual breach of any Standing Orders.
- (i) Collection of moneys within the mill premises for purposes not sanctioned by the Manager.
- (j) Engaging in trade within the mill premises.
- (k) Drunkenness or riotous or disorderly behaviour within the mill premises or any act subversive of discipline.
- (l) Habitual negligence or neglect of work.
- (m) Habitual breach of any rules, or instructions for the maintenance and running of any department, or the maintenance of the cleanliness of any portion of the mill premises or mill compound.
- (n) Frequent repetition of any act or omission for which a fine may be imposed under the Payment of Wages Act.

13. (i) An employee may be suspended for a period not exceeding four days or dismissed without notice or any compensation in lieu of notice if he is found guilty of misconduct.

The order of suspension shall be in writing and may take effect immediately on communication thereof to the employee. Such order shall set out in detail the alleged misconduct and that the employee shall be given an opportunity of explaining the circumstances alleged against him. If on enquiry the order is confirmed or modified, the employee shall be deemed to be absent from duty for the period of suspension and shall not be entitled to any remuneration for such period. If, however, the order is rescinded the employee shall be deemed to be on duty during the

full period of suspension and shall be entitled to the same wages as he would have received if he had not been suspended.

No order of dismissal shall be made unless the employee concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the circumstances alleged against him.

In awarding punishment under this Standing Order, the Manager shall take into account the gravity of misconduct, the previous record, if any, of the employee and any other extenuating or aggravating circumstances that may exist.

(ii) A copy of the order made by the Manager shall be supplied to the employee concerned.

14. All complaints arising out of the employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent or servant shall be submitted by an employee to the Manager. The Manager shall personally investigate the complaint at such times and places as he may fix and the complainant shall have the right to be present at such investigation. Where the complainant alleges unfair treatment or wrongful exaction on the part of his employer or his agent or servant, a copy of the order finally made shall be supplied to the complainant if he asks for one. In other cases the decision of the Manager and the action, if any, taken by him shall be intimated to the complainant.

15. Subject to the provisions of the Bombay Industrial Disputes Act, 1938, the decision of the Manager upon any question arising out of, in connection with, or incidental to these orders, shall be final, subject, however, to appeal to the Managing Agents and without prejudice to any right of an employee aggrieved by his or their decision to resort to legal proceedings in a Court of Law.

16. When any permanent employee is summarily dismissed, suspended or discharged, or leaves the services of the Company, or is granted leave of absence, he shall, except in cases of general retrenchment, closing down of departments, strike or lock-out, be given a written order in the form prescribed by the Manager.

Permanent employees shall be entitled to a service certificate at the time of leaving service in every case other than that for which an employee has been dismissed for misconduct.

17. A copy of these Orders in English and also in the principal regional language of the local area in which the mill is situated shall be posted in the mill office.

NOTE.—These orders shall apply to all the mills shown in Schedules A and B of Appendix II except those as marked by asterisks.



**Forms under the Standing Orders settled by the Ahmedabad Millowners' Association.**

# The

**Mill Company Ltd.**

No.

**Operative's Name**

Department

Month

19

[illegible]

# The

**Mills Company Ltd.**

**Ticket No.**

Name

is an apprentice in

Dept. of the Mill.

**Signature of the Manager.**

# The

**Mills Company Ltd.**

**Ticket No.**

Name

is a temporary

operative of the Mill in the

dept. He is liable

to be discharged from service without notice or compensation in lieu of notice.

**Signature of the Manager.**

## LABOUR AND FACTORY LEGISLATION

## (4) Ticket for Permanent Operatives

The

Mills Company Ltd.  
Ticket No.

Name has been entered  
in the Muster Roll as a permanent operative of the Mill as  
a in the dept. Date

Signature of the Manager.

## (5) Ticket for Probationers

The

Mills Company Ltd.  
Ticket No.

Name is a probationer in  
Dept. of the Mill.

Signature of the Manager.

## (6) Registration Card

The

Mills Company Ltd.  
Date

1. Name
2. Age
3. Mills where  $\frac{\text{working}}{\text{worked last}}$  in the department
4. Total period of service in department for  
years (details as below.)  
for years.
5. Reasons for leaving the last service
6. Permanent Address
7. Signature or Thumb impression

## Short History of the Career

Approximate Date of joining the Industry

Departments worked

Chronological dates

Name of the Mill	Dept.	Date of joining	Date of leaving	Reasons for leaving	Remarks

APPENDIX—II B

(7) Application for Leave

The

Mills Company Ltd.  
No.

Name of the applicant

Department

Ticket No.

Date of application

No. of days for which leave  
is asked beginning from

Date of joining

Reasons for leave

Address for Postal Communication

Period of service

Havala (if any) for the wages of the Hapta

to \_\_\_\_\_ of Rs. \_\_\_\_\_ in favour of ticket  
No. \_\_\_\_\_ of Department

Date 19

(d) Service Certificate

Name of the Mill

This is to certify that \_\_\_\_\_ (Surname)

age \_\_\_\_\_ \*years  
has worked in the Mill for \_\_\_\_\_ in  
month

department. He was last employed as †

His efficiency was good  
very good and his attendance was regular  
moderate not regular

Date

\_\_\_\_\_  
Manager.

\*Strike out what is not necessary

†Give exact description of occupation, whether Double Sider,  
or three or four loom weaver, or weaver on Plain or Dobby Sorts.

Instructions

This card is to be presented to the Manager of the Mill at  
which work is being sought, and deposited with the Manager if  
work of a 'badli' or permanent character is obtained. The card  
will be returned to you at the end of your service.

NOTE.—This card should under no circumstances be given to  
any other worker.

Signature (Or left hand thumb  
impression) of owner.

All the forms given below must be in three copies : (1) Office copy, (2) Time-keeper's copy, and (3) Operative's copy.

**(9) Fines Order**

The

Mills Company Ltd.  
Date

(Name in full)

Ticket No.

of the

Department after being heard in the presence of

T. No.

of the

Dept.

has been fined Rs.

As.

for

which is an

offence for which fines can be imposed under the Payment  
of Wages Act.

†

\*

†Space for signature of officer imposing fine.

\*Here insert the designation of officer.

**(10) Leave Pass**

The

No.

Mills Company Ltd.

Dated

19

(Name in full)

T. No.

Dept. has been given leave from

to

for

Havala (if any) for wages for the month

of

in favour of

T. No.

Dept.

(Manager)

(Departmental Head).

**(11) Discharge Order**

The

Mills Company Ltd.

Dated

19

(Name in full)

Ticket No.

of

Dept.

\*(a) has been given 14 days' notice expiring on  
for . . . .

\*(b) has been given 14 days' notice expiring on

\*(c) has left service at his own request and notice has been  
waived.\*\*Havala (if any) for wages for the month of  
in favour of

T. No.

of

Dept.

Departmental Head

Manager.

\*Strike out if not applicable.

\*\*Havala payment will only be necessary in case of (c). If a man is given, or gives notice, the Payment of Wages Act provides that his wages must be paid to him within two days.

BACK SIDE OF THE ABOVE FORM

If the operative gave notice as specified in (b) the certificate may be signed by the Departmental Head. If he has left at his own request and notice has been waived as in (c), the certificate must be signed by the manager.

Number of Punishments during previous six months.

(a) Fines

(b) Suspensions

(12) Summary Dismissal/Discharge with 13 days' pay in lieu of Notice or Suspension Order.

The Mills Company Ltd.

Dated 19

(Name in full)

Ticket No. of Dept. has been

\*(a) Summarily dismissed without notice and without compensation in lieu of notice.

\*(b) Discharged with 13 days' pay in lieu of notice.

\*(c) Suspended for days.  
for

which is an offence under standing Order No. 21.

Departmental Head.

Manager.

---

\*Strike out whatever is not applicable.

ONLY ON THE BACK SIDE OF THE OFFICE COPY

Length of service of operative

Record of punishments during previous six months

(a) Fines

(b) Suspensions

Date of investigation by the Manager

Whether workman was present at investigation

Case against operative brought by

Names and occupations of persons present at the enquiry

Reasons for order

Manager

NOTE.—This form must be filled in and signed by the Manager.

**APPENDIX III : NOTIFICATIONS****Notifications under Section 2 Cotton Textile Industries**

(1) Notification No. 2847-34-1 dated 14th March 1939 as amended on 3rd April 1939.

In exercise of the powers conferred by sub-section (1) of section 2 of the Bombay Industrial Disputes Act, 1938 (Bom. XXV of 1938), the Government of Bombay is pleased to direct that the provisions of the said Act mentioned in Schedules I and II hereto appended shall extend to the whole of the Province of Bombay.

In exercise of the powers conferred by sub-section (2) of the said section 2, the Government of Bombay is further pleased to direct that the provisions of the said Act mentioned in Schedule I shall come into force from the 1st June 1939 and those mentioned in Schedule II shall come into force from the 1st August 1939 in the said Province.

**SCHEDULE I**

Sections 3 to 22, 24 to 27, 53, 54, 56 to 61, 64, 68, 70 to 72, 74 to 76, 78 to 82 and Schedule I to the said Act.

**SCHEDULE II**

Sections 23, 28 to 52, 69, 73, 77, 83 and Schedule II to the said Act.

(2) Notification No. 2847-34-A dated 30th May 1939 as amended on 10th June 1939, 21st July 1939 and as amended by No. 3269-34 (b) dated 11th January 1940.

In exercise of the powers conferred by sub-section (3) of section 2 of the Bombay Industrial Disputes Act, 1938 (Bom. XXV of 1938), and in supersession of Government Notification in the Political and Services Department, No. 2847-34-2, dated the 14th March 1939, the Government of Bombay is pleased to direct that the provisions of the Act which have been extended to the Province of Bombay under Government Notification in the Political and Services Department, No. 2847-34-1, dated the 14th March 1939, shall apply to the cotton textile industry as specified below :

- (a) All concerns using power and employing twenty or more workers which are engaged in cotton spinning ;
- (b) All concerns using power and employing twenty or more workers which are engaged in cotton weaving with or without an admixture of silk, rayon, artificial silk or one or more of these ;
- (c) All concerns using power and employing twenty or more workers which are engaged in cotton knitting or the

manufacture of cotton hosiery with or without an admixture of silk, rayon, artificial silk or one or more of these ;

- (d) All mechanics' shops attached to and all dyeing, bleaching and printing departments in any of the concerns falling under clause (a), (b) or (c).

(3) Notification No. 2847/34, dated 20th August 1939.

In exercise of the powers conferred by sub-section (1) of section 2 of the Bombay Industrial Disputes Act, 1938 (Bom. XXV of 1938), the Government of Bombay is pleased to direct the provisions of the said Act mentioned in the Schedule hereto shall extend to the whole of the Province of Bombay.

In exercise of the powers conferred by sub-section (2) of the said section 2, the Government of Bombay is further pleased to direct that the provisions of the said Act mentioned in the Schedule hereto shall come into force from the 20th August 1939 in the said province.

In exercise of the powers conferred by sub-section (3) of the said section 2, the Government of Bombay is also pleased to direct that the provisions of the said Act mentioned in the Schedule hereto shall apply to the Cotton Textile Industry as specified in Government Notification. Political and Services Department, No. 2847/34/A, dated the 30th May 1939.

### SCHEDULE

Sections 55, 62, 63, 65, 66 and 67.

#### SILK INDUSTRY

(4) Notification No. 3269/34, dated 30th September 1939.

In exercise of the powers conferred by sub-section (3) of section 2 of the Bombay Industrial Disputes Act, 1938 (Bombay XXV of 1938), the Government of Bombay is pleased to direct that all the provisions of the said Act shall apply, with effect from the last day of October 1939, to the Silk Textile Industry in the City of Bombay, as specified below:—

- (a) All concerns, using power and employing twenty or more workers, which are engaged in waste silk spinning;
- (b) All concerns, using power and employing twenty or more workers, which are engaged in silk, artificial silk or rayon weaving with or without an admixture of cotton or staple fibre and in all processes incidental or supplemental thereto;
- (c) All mechanics' shops attached to, and all dyeing, bleaching and printing departments in any of the concerns falling under the above clause (a) or (b).

**WOOLLEN INDUSTRY**

(5) Notification No. 3269/34 (a) dated 11th January 1940.

In exercise of the powers conferred by sub-section (3) of section 2 of the Bombay Industrial Disputes Act, 1938 (Bom. XXV of 1938), the Government of Bombay is pleased to direct that all the provisions of the said act shall apply, with effect from the 15th day of January 1940, to the industries specified below in the City of Bombay and in the Thana Municipal Borough:

- (a) all concerns, using power and employing twenty or more workers, which are engaged in spinning wool and/or worsted and in all processes incidental or supplemental thereto;
- (b) all concerns, using power and employing twenty or more workers, which are engaged in woollen and/or worsted weaving and in all the processes incidental thereto with or without an admixture of cotton, silk, rayon, artificial silk or any other artificial or natural fibres or one or more of these provided such concerns use more than 50 per cent of wool and/or worsted ;
- (c) all concerns, using power and employing twenty or more workers, which are engaged in wool and/or worsted knitting or the manufacture of wool and/or worsted hosiery with or without an admixture of cotton, silk, rayon, artificial silk or any other artificial silk or natural fibres or one or more of these provided such concerns use more than fifty per cent. of wool and/or worsted ;
- (d) all mechanics' shops attached to, and all dyeing, bleaching and printing departments in any of the concerns falling under clauses (a), (b) or (c).

**ALL CONCERNS (UNDER SEC. 49A.)**

(6) Notification No. 4599/34 of 14th June 1941.

In exercise of the powers conferred by section 2 of the Bombay Industrial Disputes Act, 1938 (Bom. XXV of 1938), the Government of Bombay is pleased to direct that with effect from the date of this notification the provisions of section 49A of the said Act shall extend to and come into force in the whole of the Province of Bombay and shall apply to the industries specified in Column 1 of the Schedule appended hereto in the areas specified in Column 2 of the said Schedule.



SCHEDULE

Industries	Areas
I	II
(a) All concerns, using power and employing twenty or more workers, which are engaged in cotton spinning;	Any part of the Province of Bombay.
(b) all concerns, using power and employing twenty or more workers, which are engaged in cotton weaving with or without an admixture of silk, rayon, artificial silk or one or more of these;	
(c) all concerns, using power and employing twenty or more workers, which are engaged in cotton knitting or the manufacture of cotton hosiery with or without an admixture of silk, rayon, artificial silk or one or more of these;	
(d) all mechanics' shops attached to, and all dyeing, bleaching and printing departments in any of the concerns falling under clause (a), (b) or (c).	
II	
(e) All concerns, using power and employ ing twenty or more workers, which are engaged in waste silk spinning:	The City of Bombay.
(f) all concerns, using power and employ- ing twenty or more workers, which are engaged in silk, artificial silk or rayon weaving with or without an admixture of cotton or staple fibre and in all processes incidental or supplemental thereto;	
(g) all mechanics' shops attached to, and all dyeing, bleaching and printing departments in any of the concerns falling under the above clause (e) or (f).	
III	
(h) All concerns, using power and employ- ing twenty or more workers, which are engaged in spinning wool and/or worsted and in all processes incidental or supplemental thereto;	The City of Bombay and the Thana Municipal Borough.
(i) all concerns, using power and employ- ing twenty or more workers, which are engaged in woollen and/or worsted weaving and in all the processes incidental thereto with or without an admixture of cotton, silk, rayon, artificial silk or any other artificial or natural fibres or	

one or more of these provided such concerns use more than 50 per cent. of wool and/or worsted;

(j) all concerns, using power and employing twenty or more workers, which are engaged in wool and/or worsted knitting or the manufacture of wool and/or worsted hosiery with or without an admixture of cotton, silk, rayon, artificial silk or any other artificial or natural fibres or one or more of these provided such concerns use more than fifty per cent. of wool and/or worsted;

(k) all mechanics' shops attached to, and all dyeing, bleaching and printing departments in any of the concerns falling under clause (h), (i) or (j).

(7) Notification No. 2847/34/B of 19-5-39 under Section 3 (18) for 'LOCAL AREA.'

In exercise of the powers conferred by clause (18) of section 3 of the Bombay Industrial Disputes Act, 1938 (Bom. XXV of 1938), and in supersession of Government Notification in the Political and Services Department, No. 2847/34/3, dated the 14th March 1939, the Government of Bombay is pleased to notify each of the following areas to be a 'local area' for the purposes of the said Act:—

1. City of Bombay.
- 1.(a) Thana Municipal Borough.
2. Kurla Municipal Borough.
3. Ghatkoper—Kiroli Municipal District.
- 3.(a) Borivali.
4. Bhiwandi Municipal District.
5. { Ahmedabad City Municipal Borough.
- { Ahmedabad Cantonment and the village of Sabarmati.
6. Viramgam Municipal District.
7. Revenue limits of Gogha.
8. Nadiad Municipal Borough.
9. Broach Municipal Borough.
10. Surat Municipal Borough.
11. Jalgaon Municipal Borough.
12. Chalisgaon Municipal Borough.
13. Amalner Municipal Borough.
14. Dhulia Municipal Borough.
15. Malegaon Municipal Borough.

- 16. { Poona City Municipal Borough.  
Poona Suburban Municipal Borough, and Poona Cantonment.
- 17. Karad Municipal District.
- 17. (a) Village Panchayat Limits of Limbdi, Satara Dist.
- 18. Sholapur Municipal Borough.
- 19. Barai Municipal Borough.
- 20. Revenue limits of Tikekarwadi.
- 21. Belgaum Municipal Borough.
- 22. Revenue limits of Gokak.
- 23. Hubli Municipal Borough.
- 24. Gadag—Bettigeri Municipal Borough.

No. 8-9 Notifications for Increase of Hours of Work.

Notification issued by the Government of Bombay in the Political and Services Department dated 4th November 1941 in an Extraordinary Issue of the Bombay Government Gazette of the same date:

"No. 5295/34 :—Whereas a public emergency has arisen in connection with the production of cloth, the Government of Bombay is pleased, in exercise of the powers conferred by Section 8 of the Factories Act 1934 (XXV of 1934) to exempt from the provisions of Sec. 34 of the said Act, viz.,

All cotton spinning and weaving factories in the Province of Bombay."

A press note issued by the Government of Bombay states that the effect of the above Notification is that cotton spinning and weaving factories can work a six-day week of sixty hours instead of fifty-four hours and that the workers will be paid overtime for the extra six hours at a time and a quarter the ordinary rate of pay.

The Government of Bombay by its above Notification had exempted for a period of six months, the cotton textile factories in the province of Bombay from the provisions of section 34 of the Factories Act. The exemption was due to expire on 4th May 1942 but Government has granted further exemption from the operation of the Section until further orders. Similar exemption has been given to all the dyeing and bleaching factories in the Province.

Notification No. 5295/34 dated 9th June 1942 which has been published in the Bombay Government Gazette dated 11th June 1942:—

"In exercise of the powers conferred by Section 8 of the Factories Act, 1934 (XXV of 1934) the Government of Bombay is pleased to exempt with effect from the 4th May 1942 pending

## LABOUR AND FACTORY LEGISLATION

further orders, the following factories from the provisions of Section 34 of the said Act, viz.,:—

All cotton spinning and weaving factories in the Province of Bombay and all bleaching and dyeing Factories in the Province of Bombay."

(No. 10) Government of Bombay's Notification No. 6226/34, dated 7-9-42 under the Defence of India Rules 81A.

In pursuance of the proviso to paragraph (ii) of the Government of India's Order in the Labour Department, dated the 21st August 1942, and published at pages 1409-1410 of Part I of the Gazette of India, dated the 22nd August 1942, the Government of Bombay is pleased to specify

(a) in the case of an undertaking situated in a district, the District Magistrate of the district; and  
(b) in the case of an undertaking situated in the City of Bombay the Commissioner of Labour, Bombay, as the authorities to whom notices of lock-out shall be sent.

(No. 11) Notification No. 1, date 1-6-39 for recognising Sections of the Cotton Textile Industry as Occupation in that Industry.

In exercise of the powers conferred on me under Section 5 of the Bombay Industrial Disputes Act, 1938, I hereby recognise the following sections of the Cotton Textile Industry as occupation, in that Industry for the purposes of the Act:—

List of Occupations for the Cotton Textile Industry with the individual operations included under each occupation.

A:—Mixing, Blow Room, Carding, Frame Department and Combing operatives:—

- |                                                                                                                                                                                                              |                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 1. Opener Attendants (including Lattice Feeder Men, Hopper Feeder Men, Forcupine Feeder Men, Exhaust Openers, Crichton Openers, Buckley Openers, Breaker Scutchers, Lap Tenters and Double Cylinder Openers. | 6. Strippers and Grinders.                                       |
| 2. Intermen.                                                                                                                                                                                                 | 7. Flat Grinders.                                                |
| 3. Scutcher Tenters (including Finishermen)                                                                                                                                                                  | 8. Card Flat Coverers (including Millers) Flat mounter.          |
| 4. Wilowmen.                                                                                                                                                                                                 | 9. Carding Machine Attendants (including Line Men and Can Boys.) |
| 5. Thread Extractors (including Hard Waste Machine-men and Roving and Waste Openers).                                                                                                                        | 10. Derby Doublers.                                              |
| <b>BREAKERS</b>                                                                                                                                                                                              | 11. Josephy Waste Plant Men.                                     |
|                                                                                                                                                                                                              | 12. Silver Lap Machine Men.                                      |
|                                                                                                                                                                                                              | 13. Ribbon Lap Machine Men.                                      |
|                                                                                                                                                                                                              | 14. Comber Tenters.                                              |
|                                                                                                                                                                                                              | 15. Combing Can Boys.                                            |
|                                                                                                                                                                                                              | 16. Drawing Tenters.                                             |
|                                                                                                                                                                                                              | 17. Slubbing Tenters.                                            |
|                                                                                                                                                                                                              | 18. Inter Tenters.                                               |

- |                                     |                                  |
|-------------------------------------|----------------------------------|
| 19. Roving Tenters, Roving helpers. | 21. Creelers (Frame Department). |
| 20. Chapon Frame Tenters.           | 22. Doffers (Frame Department).  |

**B. Spinners:—**

- |                                                          |                                                                          |
|----------------------------------------------------------|--------------------------------------------------------------------------|
| 1. Siders:—Warp and weft Piecers.                        | 9. Spinners (in Mule Spinning side friecers in mule).                    |
| 2. Tarwallas or Followers or Gaiters.                    | 10. Engine Piecers (in Mule Spinning).                                   |
| 3. Doffers (in Ring Spinning and Doubling Department.)   | 11. Creel Boys (in Mule Spinning).                                       |
| 4. Doubling Tenters (including Ring and Flyer Doublers). | 12. Yarn Bundle Wrappers.                                                |
| 5. Tubular Bonders.                                      | 13. Yarn Bundling Pressmen (including Yarn Balers).                      |
| 6. Ballers (Cotton Thread Manufacturing).                | 14. Knotters.                                                            |
| 7. Spoolers (Cotton Thread Manufacturing).               | 15. Banders, Cotton Banders. Common Banders; Cotton banding manufacture. |
| 8. Polishers (Cotton Thread Manufacturing).              |                                                                          |

**C. Reelers.**

**D. Winders :**

- |                                         |                                        |
|-----------------------------------------|----------------------------------------|
| 1. Doubling Winders.                    | 4. Colour and Artificial Silk Winders. |
| 2. Grey Winders.                        | 5. Hosiery Winders.                    |
| 3. Grey Winders on High speed Machines. |                                        |

**E. Warpers, Drawers in, Sizers and Weavers.**

- |                                                                   |                                                                       |
|-------------------------------------------------------------------|-----------------------------------------------------------------------|
| 1. Warpers.                                                       | Weavers and Tape Weavers.)                                            |
| 2. Warping Creelers; Warping helpers.                             | 12. Automatic Loom Shuttle Boys, Battery Filler.                      |
| 3. Front Sizers.                                                  | 13. Tape Cleaners and Blookers.                                       |
| 4. Back Sizers.                                                   | 14. Beam Carriers.                                                    |
| 5. Sizing Mixers, Boiling machineman; Mixing attendant in sizing. | 15. Knitters (in Hosiery manufactures) Cheese Stocking Manufacturers. |
| 6. Drawers-in.                                                    | 16. Fringers (in Hosiery Manufacture.)                                |
| 7. Reachers.                                                      | 17. Darners and Menders (in Hosiery Manufacture.)                     |
| 8. Weft Distributors.                                             |                                                                       |
| 9. Lag Peggers; Card Cutter, Doby Peggers.                        |                                                                       |
| 10. Weavers (including smash Hands automatic Loom                 |                                                                       |

18. Heald and Reed-makers and Repairers.
19. Fancy Department operatives and Miscellaneous weaving operatives, viz., Naksiwallas, Com-

ber Board Fillers, Designers, Harness Builders, Loom Cleaners, Weaving Teachers, Wheelmen.

**F. Bleachers, Dyers, Finishers, Printers, Folders and Calendermen :—**

1. Yarn Leasers and Dressers.
2. Kiermen.
3. Yarn Bleachers, Cheese Bleachers.
4. Cotton Dyers.
5. Hydro-extractor Men.
6. Yarn and Cheese Dyers (including Turkey Red and Fancy Dyers, Yarn Oilers and Alamers.)
7. Yarn Drying Machinemen (including Cotton Drying Stovers.)
8. Yarn Polishers and Glazers.
9. Yarn Mercerisers.
10. Cloth Singers.
11. Cloth Dyers and Jiggermen; Washers;
12. Bleach Croft Machine Mindors (including scouring and chemicking Tank Men, cropping Machinemen.
13. Manglers.
14. Padding Machinemen.
15. Platers and Pilers, Cloth-Layers.
16. Starch Manglers.
17. Scutcher Machinemen, washing Machinemen.
18. Drying Machinemen, Cloth Dryer.
19. Breaking or Mellowing machinemen.
20. Beetlers.
21. Clip or Hot Air Stenters (including Belt stretchers Dampers and Finisherman).
22. Cloth Mercerisers.
23. Raising Machinemen.
24. Printing Shop Colour Mixers; Colour Roommen.
25. Spray Printers.
26. Machine Printers.
27. Assistant Machine Printers.
28. Brushing Machinemen.
29. Agers.
30. Felt Calenderman.
31. Calendermen (including Front Calendermen and Back Calendermen and Pressmen.)
32. Calender Stitchers.
33. Hand Ironing Men.
34. Baling markers (including Number Markers and Top Printers.)
35. Cut lookers (including Pieces Sorters, Cloth Examiners, Hosiery Examiners, Bale Examiners and Checkers.) Bundle Assorter, Deliverymen in piece dying, Linkers in ware house, stain removers; split cutters, Yard measurers, Yard counters.
36. Folders (including Hand and Machine Folders.)

- |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>37. Pieces stitchers (including Silkers,) Tailors, Tape stitchers.</p> <p>38. Sewers and Thread Cutters (in Hosiery Manufacture).</p> <p>39. Button Stitchers (in Hosiery Manufacture).</p> <p>40. Cutters (including cloth samples Cutters.)</p> | <p>41. Cloth Bundlers; Parcel-Boys in warehouse.</p> <p>42. Cloth Balers.</p> <p>43. Stampers.</p> <p>44. Assistant Stampers; Label Boys; Pastors, Ticket-applier.</p> <p>45. Cloth Bleachers (Dhobimen).</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**G. Jobbers and Mukkadams :**

- |                                                                                                                                           |                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <p>1. Jobbers (including Head Jobbers, Fancy, Line and Doffer Jobbers and Assistant Jobbers) Assistant in weaving Comber Ganger; Shed</p> | <p>Supervisor; Line Tackler.</p> <p>2. Women Supervisors (Nai-kins.)</p> <p>3. Mukkadams.</p> <p>4. Maistries.</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|

**H. Clerks :—**

- |                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Cashiers.</p> <p>2. Book-keepers.</p> <p>3. Head clerks.</p> <p>4. Clerks, (including Departmental Clerks.) Draftsmen; Planmakers.</p> <p>5. Laboratory Assistants.</p> <p>6. Stenographers and Typists.</p> <p>7. Telephone Operators.</p> | <p>8. Time-keepers and Assistant Time-keepers.</p> <p>9. Wrapping Boys.</p> <p>10. Threads Counters.</p> <p>11. Ticket Boys, Tally Boys and Production Checkers.</p> <p>12. Store-keepers.</p> <p>13. Gate Clerks.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**I. Power Plant Operators and Mechanics:—**

- |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Engine Drivers (steam, oil and gas.)</p> <p>2. Boiler Attendants, Asst. Engineers, sarangs.</p> <p>3. Firemen.</p> <p>4. Pump men.</p> <p>5. Air Compressor Operators.</p> <p>6. Cooling and Refrigeration Plant Attendants.</p> <p>7. Humidifier Attendants and Sprinklers; Steaming men.</p> <p>8. Oilmen (including Oilers from all Departments.)</p> <p>9. Ropemen (including Rope Splicers.)</p> | <p>10. Electric Motormen.</p> <p>11. Turbine Drivers.</p> <p>12. Stockers.</p> <p>13. Switchboard Attendants.</p> <p>14. Electricians (including Armature Winders and Wiremen.)</p> <p>15. Boilermakers.</p> <p>16. Crane Drivers.</p> <p>17. Patternmakers.</p> <p>18. Moulders.</p> <p>19. Turners (including Machinists.)</p> <p>20. Drillers and Welders.</p> <p>21. Blacksmiths.</p> <p>22. Hammermen or Strikers.</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

23. Tinsmiths.
  24. Fitters (including Departmental and Erector Fitters and Line Levellers); Head Mechanic; Needlers.
  25. Roller Coverers.
  26. Painters; white washers.
  27. Carpenters (including Departmental Carpenters and Slay Makers), joiners.
  28. Hoop Makers and Cutters.
  29. Mochis or Cobblers.
  30. Mechanical Apprentices.
  31. Motor and Lorry Drivers; Steam Roller Drivers.
  32. Other skilled artisans, viz., Masons; Polishers; Polishmen, Mill wrights, shafting operators; Electrolyser.
- J. General Workers.**
1. Hoistmen.
  2. Weighmen and Scalemen.
  3. Warehousemen.
  4. Compounders, Dispensary Attendants and Ward Boys (including Creche Nurses and Ayahs.)
  5. Nowghanies and Bale Stackers.
  6. Engine, Turbines, Boiler and Machine Cleaners.
  7. Motor and Lorry Cleaners.
  8. Peons and Sepoys.
  9. Cartmen.
  10. Jamadars.
  11. Watchmen.
  12. Line Levelling Coolies.
  13. Mechanics' Coolies.
  14. Fire Servicemen.
  15. Watermen (for supplying drinking water to employees.)
  16. Lampmen.
  17. Domestic servants (including Mallis and Mill canteen staff except the supervisor.)
  18. Coolies (ordinary unskilled labourers including coal coolies, patiwallas, toplawallas, basket coolies, bobbin carriers, bobbin cleaners, bobbin cutters and operatives in mixing and waste departments of cotton mills such as cotton mixers, lap carrier, fly gatherers, dropping gatherers etc.) also include window cleaners, Tare and waste Pickers, Brushers, Pieces supplier, Bundle carrier; weft and cloth carrier, Injured men; Damping machine holder; cotton balers, cotton bundlers, Flywalla, Mixing chakuwala in cotton mixing; attender in cotton mixing; waste cleaners, vacuum cleaners; machine operator (Ring frame); Kharva.
  19. Sweepers (including Departmental Sweepers, Bhangis and Halalkhores.)

(No. 12) Notification No. 4 dated 10th October 1939 for the Silk Textile Industry.

In exercise of the powers conferred on me under section 5 of the Bombay Industrial Disputes Act, 1938, I hereby recognise the following sections of the Silk Textile Industry as occupa-



tions in that industry for the purposes of the Act:—

List of occupations for the Silk Textile Industry with the individual operations included under each occupation. ....

**A. Process Operatives:**

- |                                                           |                                                                                          |
|-----------------------------------------------------------|------------------------------------------------------------------------------------------|
| 1. Silk Boiling Men (including Hydro Extractor men).      | 35. Hand Warpers.                                                                        |
| 2. Openers (including softners.).                         | 36. Warp Dressers.                                                                       |
| 3. Fillers.                                               | 37. Bobbin Dressers.                                                                     |
| 4. Flat Dressers.                                         | 38. Drawers-in.                                                                          |
| 5. Silk Staple Folders.                                   | 39. Reachers.                                                                            |
| 6. Spreaders.                                             | 40. Beamers.                                                                             |
| 7. Lappers.                                               | 41. Re-Beamers.                                                                          |
| 8. Sett Framers.                                          | 42. Warpers.                                                                             |
| 9. Drawing Tenters.                                       | 43. Warping Creelers.                                                                    |
| 10. Single Rovers.                                        | 44. Front Sizers.                                                                        |
| 11. Dandy Rovers.                                         | 45. Back Sizers.                                                                         |
| 12. Spinners.                                             | 46. Hank Sizers.                                                                         |
| 13. Doffers.                                              | 47. Size Mixers.                                                                         |
| 14. Doublers (including Doublers in waste silk spinning). | 48. Selvage Takers.                                                                      |
| 15. Gassers.                                              | 49. Beam Carriers.                                                                       |
| 16. Reelers.                                              | 50. Twisters.                                                                            |
| 17. Yarn Pickers.                                         | 51. Head Designers.                                                                      |
| 18. Bleachers.                                            | 52. Designers.                                                                           |
| 19. Dyers.                                                | 53. Card Punching Overlookers.                                                           |
| 20. Bundlers.                                             | 54. Card Punchers.                                                                       |
| 21. Neat Silk Winders.                                    | 55. Card Lacers.                                                                         |
| 22. Rayon Silk Winders.                                   | 56. Harness Builders.                                                                    |
| 23. Soft Silk Winders.                                    | 57. Weavers.                                                                             |
| 24. Spun Silk Winders.                                    | 58. Heald and Reed Makers and Repairers.                                                 |
| 25. Colour Yarn Winders.                                  | 59. Folders (including Hand and Machine Folders.)                                        |
| 26. Neat Silk Clearers.                                   | 60. Dampers.                                                                             |
| 27. Neat Silk Doublers.                                   | 61. Finishers.                                                                           |
| 28. Neat Silk Spinners.                                   | 62. Fringers.                                                                            |
| 29. Neat Silk Throwers.                                   | 63. Felt Calendermen.                                                                    |
| 30. Knotters (including Hanks Preparers.)                 | 64. Calendermen.                                                                         |
| 31. Leish Yarn Binders.                                   | 65. Hand Ironing Men.                                                                    |
| 32. Pirn Winders (neat Silk and Rayon.)                   | 66. Baling Markers.                                                                      |
| 33. Yarn and Bobbins Sorters.                             | 67. Cutlookers (including Pieces Sorters, Cloth Examiners, Bale Examiners and Checkers.) |
| 34. Cop Distributors.                                     | 68. Pieces stitchers.                                                                    |
|                                                           | 69. Cutters.                                                                             |

- 70. Calendar stitchers.
- 71. Cloth Bundlers.
- 72. Cloth Balers.

- 73. Stampers.
- 74. Packers, Wrappers and Labellers.

#### B. Jobbers and Mukkadams :

- 1. Jobbers (including Head Jobbers and Assistant Jobbers.)
- 2. Women Supervisors. (Nai-kins)
- 3. Mukkadams.
- 4. Maistries.

#### C. Clerks :—

- 1. Cashiers.
- 2. Book-keepers.
- 3. Head Clerks.
- 4. Clerks (including Departmental Clerks.)
- 5. Laboratory Assistants.
- 6. Stenographers and Typists.
- 7. Telephone Operators.
- 8. Time-keepers and Assistant Time-keepers.
- 9. Wrapping Boys.
- 10. Thread Counters.
- 11. Ticket Boys, Tally Boys and Production Checkers.
- 12. Store-keepers.
- 13. Gate Clerks.

#### D. Power Plant Operators and Mechanics:

- 1. Engine Drivers (Steam, Oil and Gas.)
- 2. Boiler Attendants.
- 3. Firemen.
- 4. Pumpmen.
- 5. Air Compressor Operators.
- 6. Cooling and Refrigeration Plant Attendants.)
- 7. Humidifier Attendants and Sprinklers.
- 8. Oilmen (including Oilers from all Departments.)
- 9. Ropemen (including Rope Splicers.)
- 10. Electric Motormen.
- 11. Turbine Drivers.
- 12. Stockers.
- 13. Switchboard Attendants.
- 14. Electricians (including Armature Winders and Wiremen.)
- 15. Boilermakers.
- 16. Crane Drivers.
- 17. Patternmakers.
- 18. Moulders.
- 19. Turners (including Machinists.)
- 20. Drillers and Welders.
- 21. Blacksmiths.
- 22. Hammermen or Strikers.
- 23. Tinsmiths.
- 24. Fitters (including Departmental and Erector Fitters and Line Levellers).
- 25. Roller Coverers.
- 26. Painters.
- 27. Carpenters (including Departmental Carpenters and Slay-makers.)
- 28. Hoop Makers and Cutters.
- 29. Mochis or Cobblers.
- 30. Mechanical Apprentices.
- 31. Motor and Lorry Drivers.

**E. General Workers.**

- |                                                                                          |                                                                                                                                                                  |
|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Hoistmen.                                                                             | 14. Fire Servicemen.                                                                                                                                             |
| 2. Weighmen and Scalemen.                                                                | 15. Waterman (for supplying drinking water to employees.)                                                                                                        |
| 3. Warehousemen.                                                                         | 16. Lampmen.                                                                                                                                                     |
| 4. Compounders, Dispensary Attendants and Ward Boys (including Creche Nurses and Ayahs). | 17. Domestic Servants (including Malis.)                                                                                                                         |
| 5. Nowghanies and Bale-stackers.                                                         | 18. Coolies (ordinary unskilled labourers including coal coolies patiwallas, toplawallas, basket coolies, bobbin carriers, bobbin cleaners, bobbin cutters etc.) |
| 6. Engine, Turbine, Boiler and Machine Cleaners.                                         | 19. Sweepers (including Departmental Sweepers, Bhangis and Halalkhores.)                                                                                         |
| 7. Motor and Lorry Cleaners.                                                             |                                                                                                                                                                  |
| 8. Peons and Sepoys.                                                                     |                                                                                                                                                                  |
| 9. Cartmen.                                                                              |                                                                                                                                                                  |
| 10. Jamadars.                                                                            |                                                                                                                                                                  |
| 11. Watchman.                                                                            |                                                                                                                                                                  |
| 12. Line Levelling Coolies.                                                              |                                                                                                                                                                  |
| 13. Mechanics' Coolies.                                                                  |                                                                                                                                                                  |

(No. 13) Notification No. 26 dated 16th January 1940 for the Woollen Textile Industry.

In exercise of the powers conferred on me under section 5 of the Bombay Industrial Disputes Act, 1938, I hereby recognise the following sections of the Woollen Textile Industry as occupations in that Industry for the purposes of the Act.

**List of Occupations for the Woollen Textile Industry with the Individual Operations included under each occupation.**

**A. Process Operatives:**

- |                                                      |                                                    |
|------------------------------------------------------|----------------------------------------------------|
| 1. Teazers.                                          | 12. First Preparers (including Back Wash Minders). |
| 2. Willow Machinemen.                                | 13. Second Preparers or Hank-Openers.              |
| 3. Garnet Machinemen.                                | 14. String Box Minders.                            |
| 4. Rag Breaking Machinemen.                          | 15. Punch Box Minders.                             |
| 5. Blenders.                                         | 16. Combers.                                       |
| 6. Card or Hopper Feeders, woollen.                  | 17. Combing Finishers.                             |
| 7. Card or Hopper Feeders, worsted.                  | 18. Top Box Minders.                               |
| 8. Lampmen.                                          | 19. Mixing Gill Box Minders.                       |
| 9. Condensermen.                                     | 20. Double Spindle Gill Box Minders.               |
| 10. Fetlers and Card Cleaners (Woollen and Worsted). | 21. Weight-Box Minders.                            |
| 11. Can Minders.                                     | 22. Finishing Machine Attendants (1st and 2nd      |

- Processes.)
23. Reducers.
  24. Roving Machine Tenters.
  25. Roller Coverers.
  26. Mule Spinners.
  27. Mule Piscers.
  28. Tube Attendants.
  29. Opener Tenters (Wool Scouring.)
  30. Mixing Cutters (Wool Scouring.)
  31. Scouring tublers (wool scouring.)
  32. Tubler Dryers (Wool Scouring.)
  33. Bobbinmen.
  34. Counts wrappers.
  35. Side Piecers (Spinners).
  36. Doffers.
  37. Doublers and Twisters.
  38. Realers (including Berlin wool Realers.)
  39. Yarn Scourers and Dryers.
  40. Hankers.
  41. Bundlers.
  42. Berlin Yarn Packers.
  43. Winders.
  44. Warpers.
  45. Warping Creelers.
  46. Drawers-in.
  47. Reachers.
  48. Weft Distributors.
  49. Beam Carriers.
- B. Jobbers and Mukkadams.**
1. Jobbers (including Head Jobbers, and Assistant Jobbers).
- C. Clerks:—**
1. Cashiers.
  2. Book-keepers.
  3. Head Clerks.
  4. Clerks (including Departmental Clerks.)
  5. Laboratory Assistants.
  50. Sizers.
  51. One-Loom weavers (Dob Cross and Sowden.)
  52. Two-Loom Weavers Platt's.
  53. Chain makers.
  54. Darners.
  55. Fringers.
  56. Crabbers.
  57. Washers.
  58. Hydro Extractor Men.
  59. Millers.
  60. Tentering Machinemen.
  61. Raising Machinemen (including Teazal Settlers.)
  62. Colour Mixers
  63. Dye Vat Attendants.
  64. Top Dyers.
  65. Purchers (including Pickers.)
  66. Cutting Machinemen.
  67. Blowing Machinemen.
  68. Brushing Machinemen.
  69. Damping Machinemen.
  70. Salvage Manders.
  71. Calendermen — (Rotary and Hydraulic).
  72. Cut Lookers (including Pieces Sorters and Cloth Examiners.)
  73. Folders (Hand and Machine).
  74. Baling Pressmen.
  75. Stampers.
  2. Women Supervisors (Nai-kins).
  3. Mukkadams.
  4. Maistries.
  6. Stenographers and Typists.
  7. Telephone Operators.
  8. Time-keepers and Assistant Time-keepers.
  9. Wrapping Boys.
  10. Thread Counters.

- |                                                         |                                        |
|---------------------------------------------------------|----------------------------------------|
| 11. Ticket Boys, Tally Boys<br>and Production Checkers. | 12. Store-keepers.<br>13. Gate Clerks. |
|---------------------------------------------------------|----------------------------------------|

**D. Power Plant Operators and Mechanics:**

- |                                                                 |                                                                                        |
|-----------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. Engine Drivers (Steam,<br>Oil and Gas.)                      | 16. Crane Drivers.                                                                     |
| 2. Boiler Attendants.                                           | 17. Patternmakers.                                                                     |
| 3. Firemen.                                                     | 18. Moulders.                                                                          |
| 4. Pumpmen.                                                     | 19. Turners (including Machi-<br>nists.)                                               |
| 5. Air Compressor Operators.                                    | 20. Drillers and Welders.                                                              |
| 6. Cooling and Refrigeration<br>Plant Attendants.)              | 21. Blacksmiths.                                                                       |
| 7. Humidifier Attendants<br>and Sprinklers.                     | 22. Hammermen or Strikers.                                                             |
| 8. Oilmen (including Oilers<br>from all Departments.)           | 23. Tinsmiths.                                                                         |
| 9. Ropemen (including Rope<br>Splicers.)                        | 24. Fitters (including Depart-<br>mental and Erector Fit-<br>ters and Line Levellers). |
| 10. Electric Motormen.                                          | 25. Roller Coverers.                                                                   |
| 11. Turbine Drivers.                                            | 26. Painters.                                                                          |
| 12. Stockers.                                                   | 27. Carpenters (including De-<br>partmental Carpenters<br>and Slay-makers.)            |
| 13. Switchboard Attendants.                                     | 28. Hoop Makers and Cutters.                                                           |
| 14. Electricians (including<br>Armature Winders and<br>Wiremen. | 29. Mochis or Cobblers.                                                                |
| 15. Boilermakers.                                               | 30. Mechanical Apprentices.                                                            |
|                                                                 | 31. Motor and Lorry Drivers.                                                           |

**E. General Workers.**

- |                                                                                                   |                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Hoistmen.                                                                                      | 14. Fire Servicemen.                                                                                                                                                                       |
| 2. Weighmen and Scalemen.                                                                         | 15. Waterman (for supplying<br>drinking water to em-<br>ployees.)                                                                                                                          |
| 3. Warehousemen.                                                                                  | 16. Lampmen.                                                                                                                                                                               |
| 4. Compounders, Dispensary<br>Attendants and Ward<br>Boys (including Creche<br>Nurses and Ayahs). | 17. Domestic Servants (in-<br>cluding Malis.)                                                                                                                                              |
| 5. Nowghanies and Bale-<br>stackers.                                                              | 18. Coolies (ordinary unskill-<br>ed labourers including<br>coal coolies patiwallas,<br>toplawallas, basket cool-<br>ies, bobbin carriers, bob-<br>bin cleaners, bobbin cut-<br>ters etc.) |
| 6. Engine, Turbine, Boiler<br>and Machine Cleaners.                                               | 19. Sweepers (including De-<br>partmental Sweepers,<br>Bhangis and Halal-<br>khores.)                                                                                                      |
| 7. Motor and Lorry Cleaners.                                                                      |                                                                                                                                                                                            |
| 8. Peons and Sepoys.                                                                              |                                                                                                                                                                                            |
| 9. Cartmen.                                                                                       |                                                                                                                                                                                            |
| 10. Jamadars.                                                                                     |                                                                                                                                                                                            |
| 11. Watchman.                                                                                     |                                                                                                                                                                                            |
| 12. Line Levelling Coolies.                                                                       |                                                                                                                                                                                            |
| 13. Mechanics' Coolies.                                                                           |                                                                                                                                                                                            |

## APPENDIX IV.

**Rules of Procedure of the Bombay Industrial Disputes Act.**

The following rules have been framed by the Industrial Court in its first meeting on 16th September 1938 in exercise of the powers conferred under section 24(3) of the Bombay Industrial Disputes Act, 1938, and rule 66 of the Bombay Industrial Dispute Rules, 1939:—

1. In these rules the "Act" means the Bombay Industrial Disputes Act of 1938.

**Benches.**

2. The President of the Industrial Court may constitute a bench of one or more of its members to decide any of the matters mentioned in section 53 of the Act, and the bench so constituted shall exercise the jurisdiction and powers vested in the Industrial Court.

3. An application for review under section 27 shall ordinarily be disposed of by the same bench which heard the original matter sought to be reviewed, provided, however, that if any member or members of the bench which disposed of the original matter has or have ceased to be a member or members of the Court, it shall be disposed of by a bench consisting of the same number of members as the bench which made the order sought to be reviewed.

4. Any bench of one or more members of the Court hearing a matter may refer it to the full bench of the Court if, in its opinion, it involves complicated questions of law or fact.

**Filing of Appeals, Applications, etc.**

5. (i) Every memorandum of appeal, applications or submission shall contain the following particulars:—

(a) the names and postal addresses of the opponents on whom notices are to be served,

(b) Where witnesses are to be examined, a list containing their full names and postal addresses.

(ii) Every memorandum of appeal shall be accompanied by a certified copy of the order appealed against.

6. An appeal filed under section 18 or 26 of the Act shall be accompanied by three extra copies.

**Copies of Documents.**

7. Certified copies of any exhibit or order, in a proceeding before the Court, containing the seal of the Court, will be supplied at the rate of two annas per folio of 100 words.

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### Deposits for Notices and Summonses.

8. A party applying for notices to opponents and summonses to witnesses shall deposit such sum of money as is necessary to cover postal registration charges.

### Allowance to Witnesses.

9. The Court may direct any party calling a witness to pay such sum as in the opinion of the Court is a reasonable compensation to such witness, having regard to his position and calling and for his loss of time in attending the Court.

### Affidavits.

10. All affidavits filed in any proceeding before the Court shall bear a stamp of one rupee.

### Procedure in case of Application against numerous Employees for declaring a strike illegal.

11. Where an application is filed by an employer for a decision of the Court that a strike of employees is illegal under the provisions of the Act and the employees affected are numerous persons having the same interest, one or more of such employees may, with the permission of the Court, be proceeded against or defended in such application on behalf of all employees so interested. The Court shall, in such cases, give, at the applicant's expense, notice of the filing of the application to all such employees, either by personal service or where from the number of employees or any other cause, such service is not reasonably practicable, by public advertisement and by causing the notice with its translation in the regional language or languages to be affixed by the applicant at the entrance through which the majority of the employees enter the premises for their work. The person affixing the notice shall file an affidavit in the Court of his having done so.

(iii) Any employee on whose behalf the application is defended under sub-rule [i] may apply to the Court to be made a party to such application. The Court may grant such application if it is satisfied that his interests will be seriously affected to his prejudice if he is not joined as a party.

# The Bombay Maternity Benefit Act, 1929\*

**BOMBAY ACT No. VII OF 1929.<sup>1</sup>**

[23rd May, 1929]

Amended by Bom. Act 5 of 1934.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

*An Act to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them.*

WHEREAS it is expedient to regulate the employment of women in factories some time before and some time after confinement and to provide for the payment of maternity benefit to them in the manner hereinafter provided ; And Whereas the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act ; It is hereby enacted as follows:

## Short title.

1. This Act may be called the Bombay Maternity Benefit Act, 1929.

## Extent and operation.

2. (1) This Act shall apply in the first instance to the Bombay Suburban District and the cities of Bombay, Ahmedabad, Viramgam, Surat, Broach, Jalgaon, Sholapur, Belgaum, Amalner and Karachi. <sup>2</sup>[The Provincial Government] may, from time to time, by notification in the <sup>3</sup>[Official

<sup>1</sup> For Statement of Objects and Reasons, see "Bombay Government Gazette", 1928, Pt. V, p. 15 ; for Report of the Select Committee, see *ibid*, 1928, Part V, p. 132 ; and for Proceedings in Council, see Bombay Legislative Council Debates, 1928, Volume XXIII and 1929, Vol. XXV.

<sup>2</sup> The words "The Provincial Government" were substituted for the words "The Government" by the Adaptation of Indian Laws Order in Council.

<sup>3</sup> The words "Official Gazette" were substituted for the words "Bombay Government Gazette" *ibid*.

\* Note.— The Act is published in the *Bombay Govt. Gazette* Part IV Page 82 on 23rd May 1929.



Gazette] extend\* this Act to such other places as it thinks fit.

(2) It shall come into operation on the first day of July 1929.

**Definitions.**

3. In this Act, unless there is anything repugnant in the subject or context,—

(a) “Employer” includes an occupier of a factory as defined in the <sup>1</sup>Indian Factories Act, 1911, and the manager of a factory.

(b) the expressions “employ”, “employed”, “factory”, and “inspector of factories” shall have the same meanings as are respectively assigned to them under the <sup>1</sup>Indian Factories Act, 1911.

(c) “maternity benefit” means the amount of money payable under the provisions of this Act to a woman employed in a factory.

<sup>2</sup>[(d) “wages” includes the money value of any earned grain concession, and any money paid to cover high cost of living but does not include a bonus given for regular attendance, or any deduction or payment made on account of fines.]

**Employment of or work by women in factories prohibited during certain period.**

4. After this Act comes into operation—

(1) no employer shall knowingly employ a woman in any factory during the four weeks immediately following the day of her delivery ; and

(2) no woman shall work in any factory during the four weeks immediately following the day of her delivery.

**Right to payment of maternity benefit.**

5. (1) Subject to the provisions of this Act, every woman employed in a factory shall be entitled to the pay-

\* This Act was extended to the Districts of East and West Khandesh, Sholapur, Dhawar, Thana and Kalra and to the City of Poona with effect from 1st July 1931 (*vide* Political Department, Notification No. 8178, dated the 26th May 1931, published in the *Bombay Government Gazette*, 1931, Part I, p. 1335).

<sup>1</sup> See now the Factories Act, 1934 (25 of 1934).

<sup>2</sup> Clause (d) was inserted by Bom. 5 of 1934, s. 2.

ment of maternity benefit at the rate of eight annas a day <sup>1</sup>[in the cities of Bombay, Ahmedabad and Karachi, and elsewhere at the rate of her average daily wage calculated to the nearest quarter of an anna on the total wages earned during a period of three months immediately preceding the date on which she gives notice under sub-section (1) of section 6, or at the rate of eight annas a day, whichever is less] for the actual days of her absence for the period immediately preceding her confinement and for the four weeks immediately following her confinement as mentioned in sub-section (2) :

Provided that a woman shall not be entitled to maternity benefit unless she has been employed in the factory of the employer from whom she claims maternity benefit for a period of not less than <sup>2</sup>[nine] months immediately preceding the date on which she <sup>3</sup>[gives notice] under sub-section (1) of section 6.

(2) The maximum period for which any woman shall be entitled to the payment of maternity benefit shall be <sup>3</sup>[eight] weeks, that is to say, <sup>4</sup>[four] weeks up to and including the day of her delivery and four weeks immediately following that day. If a woman dies during this period the maternity benefit shall be payable only for the days up to and including the day of her death.

#### Procedure regarding payment of maternity benefit.

6. (1) Any woman employed in a factory and entitled to maternity benefit under the provisions of this Act, who is pregnant may, on any day, give notice in writing to her employer stating that she expects to be confined within one month next following, that her maternity benefit may be paid to her, and that she will not work in any employment during the period for which she receives maternity benefit.

(2) The employer shall thereupon permit such woman to absent herself from the factory from the following day until four weeks after the day of her delivery.

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<sup>1</sup> These words, figures and brackets were inserted, *ibid.*, s. 3.

<sup>2</sup> The word "nine" was substituted for the word "six" by Bom. 5 of 1934, s. 3.

<sup>3</sup> The words "gives notice" were substituted for the words "notifies her intention", *ibid.*

<sup>4</sup> The words "eight" and "four" were substituted for the words "seven" and "three", respectively, *ibid.*

<sup>1</sup>(3) Maternity benefit shall be paid by the employer to the woman entitled thereto after taking her wishes into consideration in any one of the following three ways, namely :

- (i) for four weeks—within forty-eight hours of the production of a certificate signed by a registered medical practitioner certifying that the woman is expected to be confined within one month next following, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child ; or
- (ii) for the period up to and including the day of delivery—within forty-eight hours of the production of a certified extract from a birth register stating that the woman has given birth to a child, and for the remainder of the total period for which she is entitled to maternity benefit under sub-section (2) of section 5—punctually four weeks after the production of such certified extract from a birth register ; or
- (iii) for the entire period for which the woman is entitled maternity benefit under sub-section (2) of section 5—within forty-eight hours of the production within six weeks of her delivery of a certified extract from a birth register stating that she has given birth to a child ;

Provided that no woman shall be entitled to any maternity benefit or any part thereof the payment of which is dependent upon the production of a certified extract from a birth register under the provisions of this sub-section unless such extract has been produced within six months of the day of her delivery.

**Payment of maternity benefit in case of a woman's death.**

7. If a woman entitled to maternity benefit under this Act dies during the period for which she is entitled to mat-

<sup>1</sup> This sub-section was substituted for the original sub-section (3) by Bom. 5 of 1934, s. 4.

ernity benefit the employer shall pay the amount of maternity benefit due, if the newly born child survives her, to the person who undertakes the care of the child; and if the child does not survive her to her legal representative.

**No notice of dismissal to be given to a woman during period of maternity benefit.**

8. When a woman absents herself from work in accordance with the provisions of this Act it shall not be lawful for her employer to give her notice of dismissal during such absence or on such a day that the notice will expire during such absence.

**Forfeiture of maternity benefit.**

9. If a woman works in any factory after she has been permitted by her employer to absent herself under the provisions of section 6 she shall forfeit her claim to the payment of the maternity benefit to which she is entitled.

**Penalty for contravention of the Act by an employer.**

10. If any employer contravenes the provisions of this Act he shall, on conviction, be liable to a fine which may extend to five hundred rupees.

**Penalty for contravention of the Act by a woman.**

11. If any woman works in any factory within four weeks of the date of her delivery she shall be liable, on conviction, to a fine not exceeding ten rupees.

**Cognisance of offences.**

12. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the inspector of factories.

(2) No Court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class shall try any offence against this Act or any rules thereunder.

**Limitation of prosecutions.**

13. No Court shall take cognisance of any offence against this Act or any rule thereunder unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

Rules.

14. (1) The <sup>1</sup>[Provincial Government] may make <sup>2</sup>rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

- <sup>3</sup>[(a) the preparation and maintenance of a muster roll or register or a combined muster roll and register and the particulars to be entered in such muster roll, register or combined muster roll and register or in the register kept or deemed to have been kept under section 35 of the <sup>4</sup>Indian Factories Act, 1911 ;
- (b) the inspection of factories for the purposes of this Act by inspectors of factories ;
- (c) the exercise of powers and the performance of duties by inspectors of factories for the purposes of this Act ;
- (d) the method of payment of maternity benefit in so far as provision has not been made in this Act ; and
- (e) any other matter for which no provision has been made in this Act and for which provision is, in the opinion of the <sup>1</sup>[Provincial Government], necessary.

(3) Any such rule may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(4) The making of rules under this section shall be subject to the condition of previous publication. Such rules

<sup>1</sup> The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

<sup>2</sup> For Rules under this section, see Government Notification in the G.D. No. 1066 dated the 2nd August 1929, published in the *Bombay Government Gazette*, 1929, Part I, pp. 1703-1705.

For amendments in the above Rules, see—

Political and Reforms Department Notification No. 9699-II, dated the 1st June 1933, published in the *Bombay Government Gazette*, 1933, Part I, p. 1840.

Political and Reforms Department Notification No. 9721, dated the 7th December 1933, published in the *Bombay Government Gazette*, 1933, Part I, p. 2876.

Political and Reforms Department Notification No. 9721, dated the 29th January 1934, published in the *Bombay Government Gazette*, 1934, Part I, p. 245.

Political and Reforms Department Notification No. 8574-II, dated the 29th September 1934, published in the *Bombay Government Gazette*, 1934, Part I, p. 2096 ; see also *Bombay Local Rules and Orders*, Vol. IV, where the notifications have been reprinted.

<sup>3</sup> Clause (a) was substituted for the original clause (a) by Bom. 5 of 1934, s. 5.

<sup>4</sup> See now the Factories Act, 1934 (25 of 1934).

shall be laid <sup>1</sup>[before each Chamber of the Provincial Legislature] for one month previous to the next session thereof and shall be liable to be rescinded or modified <sup>2</sup>[by a Resolution in which both the Chambers concur]. If any rule is modified the <sup>3</sup>[Provincial Government] may accept the modification and reissue the rule accordingly or may rescind the rule.

Copies of this Act and rules thereunder to be exhibited.

15. <sup>4</sup>[An abstract] of the provisions of this Act and the rules thereunder in local vernacular shall be exhibited in a conspicuous <sup>5</sup>[manner] by the employer in every <sup>6</sup>[part of a] factory in which women are employed.

## The Bombay Maternity Benefit Act, 1929

### RULES.

Bombay Castle, 2nd August 1929.

No. 1066.—In exercise of the powers conferred by section 14 of the Bombay Maternity Benefit Act, 1929 (Bom. VII of 1929), the Governor in Council is pleased to make the following rules, for the purpose of carrying into effect the provisions of the said Act, namely—

#### Short title.

1. These rules may be cited as the Bombay Maternity Benefit Rules, 1929.

#### Definitions.

2. In these rules—

- (a) "Act" means the Bombay Maternity Benefit Act, 1929.
- (b) "Inspector" means an inspector of factories appointed under sub-section (1) of section 4 of the Indian Factories Act, 1911, and includes an additional inspector appointed under sub-section (4) of the said section.

<sup>1</sup> The words "before each Chamber of the Provincial Legislature" were substituted for the words "on the table of the Bombay Legislative Council" by the Adaptation of Indian Laws Order in Council.

<sup>2</sup> These words were inserted, *ibid.*

<sup>3</sup> The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

<sup>4</sup> The words "An abstract" were substituted for the words "A copy" by Bom. 5 of 1931, s. 6.

<sup>5</sup> The word "manner" was substituted for the word "place", *ibid.*

<sup>6</sup> The words "part of a" were inserted, *ibid.*

- (c) "muster roll" means a muster roll, or register or a combined muster roll and register prepared and maintained under rule 3 and includes a register kept or deemed to have been kept under section 35 of the Indian Factories Act, 1911.

**Muster roll.**

3. The employer of every factory in which women are employed shall prepare and maintain a muster roll and shall enter the following particulars in such muster roll, namely :—

- (a) name of woman ;
- (b) department in which employed and name of factory ;
- (c) ticket or departmental number ;
- (d) dates with month and year on which employed and not employed ;
- (e) total days employed in the payment period ;
- (f) in the case of factories situated in places other than the cities of Bombay, Ahmedabad and Karachi :—
  - (i) "wages" as defined in section 3(d) of the Act ;
  - (ii) average daily wage calculated to the nearest quarter of an anna on the total wages earned during a period of three months immediately preceding the date on which the woman gives notice under section 6(1) of the Act ;
- (g) date on which the woman gives notice under section 6(1) of the Act ;
- (h) date of birth of child ;
- (i) date of production of a certificate signed by a registered medical practitioner certifying that the woman is expected to be confined within one month ;
- (j) date of production of certified extract from birth register ;
- (k) date of first payment of maternity benefit and amount of same ;
- (l) date of subsequent payments of maternity benefit and amounts of same ;
- (m) if the woman dies, amount of maternity benefit paid and date of payment and the names of persons to whom paid ; and
- (n) remarks column for the use of the Inspector only.

All entries in the muster roll shall be maintained up-to-date and shall always be available for inspection by the Inspector.

The employer may enter in the muster roll such other particulars as may be required for any other purpose.

**Responsibility of Inspector.**

4. The Inspector shall be primarily responsible for the administration of the Act within the area assigned to him under

the Indian Factories Act, 1911; provided that in areas where there are more than one inspector, the Commissioner of Labour may allocate the factories within such areas to such inspector as he shall deem proper.

**Powers of Inspector.**

5. (1) The Inspector may, within the area for which he is appointed, examine the muster roll maintained under rule 3 and shall have power to make such enquiries and to require the production of such papers or documents as he considers necessary for the purpose of ascertaining whether the provisions of the Act and of these rules are properly carried out in any factory or not; provided that he shall not require any employer to answer any question or to give any evidence tending to criminate himself.

(2) Every notice given under sub-section (1) of section 6 of the Act and every receipt for maternity benefit paid to any person under the provisions of the Act or of these rules shall, on demand, be produced before the Inspector.

**Penalty.**

6. If any employer contravenes the provisions of rule 3 he shall be liable, on conviction, to a fine not exceeding fifty rupees.

7. Any person who wilfully obstructs an Inspector in the exercise of his powers or the performance of his duties or fails to produce on demand the muster roll, or notices given under section 6(1) of the Act or receipts for maternity benefits paid or other papers or documents necessary to enable the Inspector to ascertain that the provisions of the Act and these rules have been complied with, shall be liable, on conviction, to a fine not exceeding fifty rupees.

**Return.**

8. Every employer of women in a factory shall furnish to the Chief Inspector of Factories by the 15th day of January in each year a return in the form of Schedule I to these rules.

**Records.**

9. Records relating to the payment of maternity benefit under the provisions of the Act or these rules shall be preserved for a period of two years from the date of their preparation.

**Liability of an employer for maternity benefit on closing of factory.**

10. A woman entitled to maternity benefit shall not be deemed dismissed within the provisions of section 8, if she is discharged on account of the closing of the factory in which she is employed.



**Exhibition of abstract of provisions of Act and rules.**

11. The abstract of the provisions of the Act and rules in the local vernacular required to be exhibited by section 15 of the Act shall be in such form as the Chief Inspector of Factories may approve and be exhibited in such manner as he may require. The Chief Inspector of Factories may prepare an abstract and supply copies to employers who make an application for the same to the Inspectors at Bombay and Ahmedabad.

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**SCHEDULE I.**

(See rule 8.)

**Return to be submitted to the Chief Inspector of Factories on or before the 15th January each year.**

Name of Factory.

Name of Occupier.

Name of Manager.

Year ending 31st December 194 .

Average number of women employed daily.

Number of women who claimed maternity benefit under section 6(1) of the Act.

Number of women who were paid maternity benefit for actual births.

Number of other persons who were paid maternity benefit (section 7).

Total amount of maternity benefit paid.

(Signature.....

Employer.

# The Bombay Shops and Establishments Act 1939\*

BOMBAY ACT No. XXIV OF 1939.

(First published, after having received the assent of the the Governor, in the "Bombay Government Gazette" on the 2nd November 1939.)

*An Act to make provision for the regulation of hours of work in shops, commercial establishments restaurants, eating houses, theatres and other establishments.*

WHEREAS it is expedient to make provision for the regulation of hours of work in shops, commercial establishments restaurants, eating houses, theatres and other establishments and for certain other purposes hereinafter specified ; It is hereby enacted as follows :—

## Short title, extent and operation.

1. (1) This Act may be called the Bombay Shops and Establishments Act, 1939.

(2) It extends to the whole of the Province of Bombay.

(3) It shall come into force in the first instance only in the City of Bombay, the Ahmedabad Municipal Borough and Cantonment, the Poona City and Suburban Municipal Borough, the Poona Cantonment, the Sholapur Municipal Borough and the Hubli Municipal Borough ; but the Provincial Government may by notification in the Official Gazette direct that all or any of the provisions of this Act shall come into force in any other area on such date as may be specified in such notification.

## CHAPTER I. PRELIMINARY.

### Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

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\* Note.— This Act is published in the Bombay Government Gazette Part IV Page 623 on 2nd Nov. 1939.

(1) "Child" means a person who has not completed his twelfth year.

Provided that in any area for which a scheme of compulsory primary education has been sanctioned under the Bombay Primary Education Act, 1923, the expression "child" shall have the same meaning as it has in the said Act with reference to primary education.

(2) "Closed" means not open for the service of any customer.

(3) "Commercial Establishment" means an establishment which is not a shop but which does the business of advertising, commission, forwarding or commercial agency, or which is a clerical department of a factory or of any industrial or commercial undertaking or which is an insurance company, joint stock company, bank, brokers' office, exchange or such other class of establishments as the Provincial Government may by notification in the Official Gazette declare to be a Commercial Establishment for the purposes of this Act.

(4) "Day" means the period of twenty-four hours beginning at midnight :

Provided that in the case of a person employed whose hours of work extend beyond midnight, day means the period of twenty-four hours beginning when such employment commences irrespective of midnight.

(5) "Employer" means a person having charge of or owning the business of an establishment to which this Act applies and includes the manager, agent or any other person acting in the general management or control of such shop, restaurant, theatre or establishment.

(6) "Establishment to which this Act applies" means a shop, commercial establishment, restaurant, eating house, theatre or any other place of public amusement or entertainment or any other establishment in respect of which a declaration is made under section 18.

(7) "Factory" means any premises which is a factory within the meaning of clause (j) of section 2 of the Factories

Act, 1934, or which is declared to be a factory under section 5 of the said Act.

(8) "Inspector" means an inspector appointed under section 25.

(9) "Local authority" means a Municipality constituted under the City of Bombay Municipal Act, 1888, the Bombay District Municipal Act, 1901, or the Bombay Municipal Boroughs Act, 1925, or a local board constituted under the Bombay Local Boards Act, 1923.

(10) "Member of family of an employer" means the husband, wife or children, father or mother, brother or sister of an employer who lives with and is dependent on such employer.

(11) "Opened" means opened for the service of any customer.

(12) "Periods of work" means the time during which a person employed is at the disposal of the employer.

(13) "Person employed" means—

- (i) in the case of a shop, a person wholly or principally employed in the shop in connection with the business of the shop ;
- (ii) in the case of a factory, a member of the clerical staff employed in such factory ;
- (iii) in the case of a commercial establishment other than a factory, a person wholly or principally employed in connection with the business of the establishment and includes a peon ;
- (iv) in the case of a restaurant or eating house, a person wholly or principally employed in the preparation or the serving of food or drink or in attendance upon a customer or in cleaning any part of the premises or utensils used on such premises or as a clerk or cashier ; and
- (v) in the case of a theatre or other establishment of public entertainment, a person employed as an operator, clerk, door-keeper, usher or in similar other capacity ;

but does not include the employer or a member of his family.

(14) "Prescribed" means prescribed by rules made under this Act.

(15) "Residential Hotel" means any premises in which *bona fide* business is carried on for the supply of dwelling accommodation and meals on payment of a sum of money to a traveller or any member of the public or class of the public.

(16) "Restaurant or Eating House" means any premises in which is carried on wholly or principally the business of the supply of meals or refreshments to the public or a class of the public for consumption on the premises but does not include a restaurant attached to a theatre.

(17) "Shop" means any premises where goods are sold either by retail or wholesale or both or where services are rendered to customers and include offices, store rooms, godowns or warehouses, whether in the same premises or otherwise, used in connection with such trade or business but does not include a restaurant, eating house or a commercial establishment.

(18) "Theatre" includes any place intended principally or wholly for the representation of moving pictures or for dramatic performances.

(19) "Week" means the period of seven days beginning at midnight of Saturday.

(20) "Young person" means a person who is not a child and has not completed his seventeenth year.

#### **References to time of day.**

3. References to the time of day in this Act are references to Indian standard time which is five and a half hours ahead of Greenwich mean time.

#### **Act not applicable to certain persons and establishments.**

4. (1) Nothing in this Act shall apply to—

(a) persons occupying positions of management or employed in a confidential capacity ;

## LABOUR AND FACTORY LEGISLATION

- (b) persons whose work is inherently intermittent such as a traveller, a canvasser, a watchman or a caretaker ;
  - (c) persons exclusively engaged in preparatory or complementary work, such as clearing or forwarding clerks responsible for the despatch of goods by rail or other means of communication and for customs formalities or messengers ;
  - (d) persons exclusively employed in the collection, delivery or conveyance of goods ;
  - (e) Government offices and offices of local authorities ;
  - (f) establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit ;
  - (g) persons employed in such chemist's or druggist's shops as are approved by the Provincial Government by a general or special order in this behalf ;
  - (h) clubs and refreshment rooms at railway stations,
  - (i) stalls and refreshment rooms at railway stations, docks and wharves ;
  - (j) bazaars or fairs for the sale of work for charitable or other purposes from which no profit is derived ; and
  - (k) any other establishment or class of establishments or person or class of persons which the Provincial Government may, by notification in the Official Gazette, exempt from the operation of this Act.
- (2) Notwithstanding anything contained in sub-section (1) the Provincial Government may by notification in the Official Gazette direct that any of the persons or establishments specified therein shall not be exempt from the operation of this Act.

## CHAPTER II.

### SHOPS.

#### Opening and closing hours of shop.

5. (1) Save as provided by or under any other enactment for the time being in force, no shop shall on any day—
- (a) be opened earlier than such hour as may be fixed by

the Provincial Government by a general or special order in this behalf, and

- (b) be closed later than 9 p.m. or such other earlier hour as may be fixed by the Provincial Government by a general or special order in this behalf :

Provided that any customer who was being served or was waiting to be served at such closing hour in any shop may be served in such shop during the quarter of an hour immediately following such hour.

(2) An order under sub-section (1) shall be passed by the Provincial Government after making an enquiry in the prescribed manner.

**Hawking prohibited after closing hour.**

6. Save as otherwise provided in this Act or by or under any other enactment, no person shall after the closing hour fixed under section 5 carry on in or adjacent to a street or a public place the sale of any goods :

Provided that nothing in this section shall apply to the sale of newspapers.

**Daily hours of work in a shop.**

7. (1) Subject to the provisions of sub-section (2), no person employed in any shop shall be required or allowed to work in such shop for more than nine and a half hours in any day.

Provided that any such person may be allowed to work in such shop for any period in excess of the limit fixed under sub-section (1), if such period does not exceed in aggregate one hundred and twenty hours in any calendar year.

(2) No person employed in any shop shall be required or allowed to work in such shop for more than seven hours in any day unless he has had an interval for rest of at least one hour :

Provided that no person so employed shall be required or allowed to work in such shop for more than five hours in any day unless he has had an interval of rest for at least half an hour.

**Spread over of periods of work.**  
8. The periods of work and intervals of rest of a person employed in a shop shall be so arranged that they shall not be together spread over more than twelve hours in any day :

Provided that in cases where any shop is on any day entirely closed for a continuous period of not less than three hours between the opening and the closing time the periods of work and intervals of rest may be spread over fourteen hours in that day.

**Holidays in a week.**

9. (1) Every person employed in a shop shall be given at least one day in a week as a holiday :

Provided that nothing in this sub-section shall apply to any person whose total period of employment is less than six days.

(2) No deduction shall be made from the wages of any person employed in a shop on account of any holiday given to him under sub-section (1).

### CHAPTER III. COMMERCIAL ESTABLISHMENTS

**Opening and closing hours of commercial establishments.**

10. (1) Save as provided by or under any other enactment for the time being in force, no commercial establishment shall, on any day, be opened earlier than and closed later than such hour as may be fixed by a general or special order of the Provincial Government made under sub-section (2).

(2) The Provincial Government may by general or special order fix the time at which any commercial establishment or any class of such establishments shall be opened or closed in any local area. Such order shall be passed after making an inquiry in the prescribed manner.

**Monthly and daily hours of work in a commercial establishment.**

11. (1) Subject to the provisions of sub-section (2), no person employed in any commercial establishment shall



be required or allowed to work in such establishment for more than two hundred and eight hours in a month :

Provided that any such person may be allowed to work in such establishment for more than two hundred and eight hours in any month during stock-taking, making of accounts, settlement or other prescribed occasions :

Provided further that the total number of hours for which such person is allowed to work in excess of the maximum number of hours prescribed for every month under this section does not exceed one hundred and twenty in any calendar year.

(2) No person employed in any commercial establishment shall be required or allowed to work in such establishment for more than seven hours in any day unless he has had an interval for rest of at least one hour :

Provided that no person so employed shall be required or allowed to work in such establishment for more than four and a half hours in any day unless he has had an interval for rest of at least half an hour.

#### **Spread over of periods of work.**

12: The periods of work and intervals of rest of a person employed in a commercial establishment shall be so arranged that they shall not together be spread over more than twelve hours in a day :

Provided that the Provincial Government may by rules made in this behalf fix, on not more than six days in a calendar year, any period in excess of the period prescribed under this section for which on account of stock-taking making of accounts, settlements or other prescribed occasions the person employed may be required to work.

#### **Holiday in a week.**

13. (1) Every person employed in a commercial establishment shall be given at least one day in a week as a holiday :

Provided that nothing in this sub-section shall apply to any person whose total period of employment is less than six days.

(2) No deduction shall be made from the wages of any person employed in a commercial establishment on account of any holiday given to him under sub-section (1).

#### CHAPTER IV. RESTAURANTS, EATING HOUSES, THEATRES OR OTHER PLACES OF PUBLIC AMUSEMENT AND ENTERTAINMENT.

**Restaurants, eating houses not to sell goods of the kind sold in the shops after the closing hour of the shops.**

14. After the hour fixed for closing of shops under section 5, no goods of the kind sold in such shops shall be sold in any restaurant, eating house, theatre or any other place of public amusement or entertainment except for consumption on the premises.

**Daily hours of work in restaurant, etc.**

15. (1) Subject to the provisions of sub-section (2), no person employed in any restaurant, eating house or theatre or any other place of public amusement or entertainment shall be required or allowed to work in such restaurant, eating house or theatre or such place for more than ten hours in any day.

(2) No such person shall be required or allowed to work in such restaurant, eating house, or theatre or place of public amusement or entertainment as the case may be, for more than eight hours in any day unless he has had an interval for rest of at least one hour :

Provided that no person so employed shall be so required or allowed to work in such restaurant, eating house or theatre or place of public amusement or entertainment for more than six hours in any day unless he has had an interval for rest of at least half an hour.

**Spread over of periods of work.**

16. The periods of work and intervals of rest of a person employed in a restaurant, eating house, theatre or any other place of public amusement or entertainment shall be

so arranged that they shall not together be spread over more than fourteen hours in any day.

**Holiday in a week.**

17. (1) Every person employed in a restaurant, eating house, theatre or any other place of public amusement or entertainment shall be given at least one day in a week as a holiday :

Provided that nothing in this sub-section shall apply to any person whose total period of employment is less than six days.

(2) No deduction shall be made from the wages of any person employed in a restaurant, eating house, theatre or a place of public amusement or entertainment on account of any holiday given to him under sub-section (1).

**CHAPTER V.**

**OTHER ESTABLISHMENTS.**

**Power to Provincial Government to apply provisions of Act to other establishments.**

18. (1) Notwithstanding anything contained in this Act, the Provincial Government may, by notification in the Official Gazette, declare any establishment or class of establishments to which this Act does not for the time being apply to be an establishment or class of establishments for the purposes of this Act.

(2) On such declaration, such establishment or class of establishments shall be deemed to be an establishment or class of establishments to which this Act applies and all or any of the provisions of this Act with such adaptation or modification as may be specified in such declaration shall apply to such establishment or class of establishments.

**CHAPTER VI.**

**PROVISIONS FOR CHILDREN AND YOUNG PERSONS.**

**No child to work in any establishment.**

19. No child shall be allowed to work in any establishment to which this Act applies.

## LABOUR AND FACTORY LEGISLATION

**Young persons to work between 6 a.m. and 7 p.m. only.**

20. No young person shall be allowed to work in any establishment to which this Act applies before 6 a.m. and after 7 p.m.

**Hours of work of young person limited to 42 hours in a week and 8 per day.**

21. (1) Notwithstanding anything contained in this Act, no young person shall be allowed to work in any establishment to which this Act applies for more than forty-two hours in a week or for more than eight hours in a day.

(2) No such person shall be allowed to work in such establishment for more than four hours in any day unless he has had an interval of rest for at least half an hour.

## CHAPTER VII.

## ENFORCEMENT AND PENALTIES.

**Powers and duties of local authorities.**

22. Save as otherwise provided in this Act it shall be the duty of every local authority to enforce, within the area subject to its jurisdiction, the provisions of this Act, subject to such supervision of the Provincial Government as may be prescribed :

Provided that in respect of the areas not subject to the jurisdiction of any local authority, it shall be the duty of the Provincial Government to enforce the said provisions.

**Power of Provincial Government to provide for performance of duties on default by local authority.**

23. (1) If any local authority makes default in performance of any duty imposed by or under this Act, the Provincial Government may appoint some person to perform it and may direct that the expense of performing it with a reasonable remuneration to the person appointed to perform it shall be paid forthwith by the local authority.

(2) If the expense and remuneration are not so paid, the Provincial Government may notwithstanding anything contained in any law relating to the municipal fund or local

fund or any other law for the time being in force, make an order directing the bank in which any moneys of the local authority are deposited or the person in charge of the local Government Treasury or of any other place of security in which the moneys of the local authority are deposited to pay such expense and remuneration from such moneys as may be standing to the credit of the local authority in such bank or may be in the hands of such person or as may from time to time to be received from or on behalf of the local authority by way of deposit by such bank or person; and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the local authority in respect of any sum or sums so paid by it or him out of the moneys of the local authority so deposited with such bank or person.

**Expenses of local authority to be paid out of its fund.**

24. Notwithstanding anything contained in any enactment in regard to any municipal or local fund, all expenses incurred by a municipality or a local board under and for the purposes of this Act shall be paid out of the municipal or local fund, as the case may be.

**Appointment of Inspectors.**

25. (1) Every local authority shall appoint a sufficient number of persons with the prescribed qualifications as Inspectors for the area subject to its jurisdiction as it may deem fit for the purpose of carrying out the provisions of this Act.

(2) In areas which are not subject to the jurisdiction of any local authority, the Provincial Government shall appoint Inspectors with the prescribed qualifications.

**Powers and duties of Inspectors.**

26. Any Inspector appointed under section 25 may at all reasonable times enter into any place which is or which he has reason to believe is an establishment to which this Act applies with such assistants being persons in the service of the Crown or of the local authority, as the case may be, and make such examination of the premises and of the prescribed registers, records and notices, as may be prescribed.

## LABOUR AND FACTORY LEGISLATION

**Inspectors to be public servants.**

27. Every Inspector appointed under section 25 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

**Penalty for obstructing Inspector, etc.**

28. Any person who wilfully obstructs an Inspector in the exercise of any power conferred on him under this Act or who fails to comply with a lawful direction made by an Inspector shall, on conviction, be punishable with fine which may extend to Rs. 250.

**Maintenance of registers and records and display of notices.**

29. Subject to the general or special orders of the Provincial Government, an employer shall maintain such registers and records and display such notices as may be prescribed for carrying out the provisions of this Act.

**Penalties for offences.**

30. (1) Any employer who contravenes the provisions of sections 5 and 7 to 21 (both inclusive) shall, on conviction, be punishable with fine which may extend to Rs. 25 for the first offence and to Rs. 250 for every subsequent offence after his conviction for the first offence.

(2) Whoever contravenes the provisions of section 6 shall, on conviction, be punishable with fine which may extend to Rs. 10 for the first offence and to Rs. 100 for any subsequent offence after his conviction for the first offence.

CHAPTER VIII.  
MISCELLANEOUS.

**Exemption.**

31. The Provincial Government may, by notification in the Official Gazette, suspend the operation of all or any of the provisions of this Act for such period and subject to such conditions as it deems fit on account of any prescribed holidays or occasion.

**Wages for over-time work.**

32. Where any person employed in any establishment to which this Act applies is required to work in excess of

the limit of hours of work he shall be entitled in respect of the over-time work to wages at the rate of  $1\frac{1}{4}$  times his ordinary rate of wages.

**Explanation.**

For the purposes of this section—

(1) The expression “limit of hours of work” shall mean—

- (a) in case of persons employed in a shop nine and a half hours in each day ;
- (b) in case of persons employed in a commercial establishment two hundred and eight hours in a month ;
- (c) in case of persons employed in a restaurant, eating house, theatre or any other place of public amusement or entertainment ten hours in each day; and
- (d) in case of persons employed in any other establishment such hours as may be prescribed ; and

(2) the expression “ordinary rate of wages” shall mean such rate of wages as may be calculated in the manner prescribed.

**Rules.**

33. (1) The Provincial Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision such rules may be made for all or any of the following matters, namely :—

- (i) the manner of making inquiry under sub-section (2) of section 5 ;
- (ii) the manner of making inquiry under sub-section (2) of section 10 ;
- (iii) the occasions on which the hours of work may exceed 208 in a month under section 11 ;
- (iv) fixing excess period for work under section 12 ;
- (v) the supervision which the Provincial Government shall exercise over local authority under section 22 ;
- (vi) the qualifications of Inspectors under section 25 ;

## LABOUR AND FACTORY LEGISLATION

- (vii) the examination to be made of premises and of prescribed registers, records and notices under section 26 ;
- (viii) the registers and records to be maintained and the notices to be displayed under section 29 ;
- (ix) the period for which, the conditions subject to which and the holidays and occasions on which, the operation of the provisions of this Act may be suspended under section 31 ; and
- (x) the limit of hours of work under clause (1) (d) and the manner of calculating the ordinary rate of wages under clause (2) of the Explanation to section 32.

(3) The rules made shall be subject to the condition of previous publication and when so made shall be deemed to be part of this Act.

(4) The rules may provide that any contravention thereof shall, on conviction, be punishable with fine which may extend to Rs. 50.

### Bye-laws.

34. Save in regard to the matters for which provision is made for rules under section 33, a local authority may, subject to the previous sanction of the Provincial Government, make bye-laws not inconsistent with this Act or rules thereunder for the purpose of carrying out the provisions of this Act.

### Rights and privileges under other law etc. not affected.

35. Nothing in this Act shall affect any rights or privileges which any person employed in any establishment to which this Act applies is entitled to at the date this Act comes into force under any other law, contract, custom or usage applicable to such establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.



# The Bombay Shops and Establishment Act, 1939

## Rules

Bombay Castle, 8th October 1940.

No. 143/34.—In exercise of the powers conferred by section 33 of the Bombay Shops and Establishments Act, 1939 (Bom. XXIV of 1939), the Government of Bombay is pleased to make the following rules to carry out the purposes of the Act, namely :—

### Short title.

1. These rules may be called the Bombay Shops and Establishments Rules, 1940.

### Definitions.

2. In these rules, unless there is anything repugnant in the subject or context—

- (a) "the Act" means the Bombay Shops and Establishments Act, 1939 ;
- (b) "Form" means a form appended to these rules ;
- (c) "Government" means the Government of Bombay ;
- <sup>1</sup>(cc) "Regional language" means any one of the following languages, namely :—

In the City of Bombay, Marathi, Gujarathi or Hindustani (Devnagari and Urdu script) and elsewhere, Marathi, Gujarathi, Kannada or Hindustani (Devnagari or Urdu script).

- ((d) "Section" means a section of the Act ;
- (e) Words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

### Enquiry by Government before passing orders fixing opening and closing hours of shops.

3. (1) Government shall make the enquiry under sub-section (2) of section 5 in the manner prescribed in this rule.

(2) Before passing an order under sub-section (1) of section 5. Government shall give notice of its intention to pass such order. The notice shall be in Form A, and shall, unless a copy of the order proposed to be passed is annexed to it, specify the area and the shop or shops or class or classes of shops to which the order shall apply, the hours of opening or the hours of closing, or both, which are proposed to be fixed and the days in respect of which such hours are so proposed to be fixed. The

<sup>1</sup> Vide G. of B. Gaz. Part IV B, p. 140 of 10/1/42

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notice shall also state that objections and suggestions with respect to such orders, if any, may be sent to the officer mentioned in the notice within one month from the date of such notice.

(3) The copies of the notice shall be affixed at such public places in the area to which the order is proposed to be applied as Government may deem fit. Copies of the notice shall be sent to the Local Authority in whose jurisdiction such area is situated and to such associations, trade unions or other organizations as Government may deem fit. The notice shall also be published in not less than one newspaper having circulation in such area.

(4) Government shall consider all objections and suggestions received under sub-rule (2) before passing the order under sub-section (1) of section 5.

Enquiry by Government before passing orders fixing opening and closing hours of Commercial Establishments

4. The provisions of rule 3 shall *mutatis mutandis* apply to an enquiry to be made by Government under sub-section (2) of section 10.

Occasions on which the prescribed monthly hours of work in commercial establishments may be exceeded.

5. A person employed in a commercial establishment may be allowed to work for more than 208 hours in any month in times of emergencies which could not have been prevented or foreseen by the employer and which interfere with the normal working of the establishment or in times when serious material damage is caused to the establishment by occurrences such as fire or earthquake.

Spreadover of extended periods of work on account of stock-taking, making of accounts, settlements and other prescribed occasions.

6. On not more than six days in a calendar year on which on account of stock-taking, making of accounts, settlements or other occasions prescribed in rule 5, persons employed in a commercial establishment may be required to work in excess of the period prescribed in section 12, the periods of work and intervals of rest shall be so arranged that they shall not together be spread over more than 16 hours on any day.

Notice to be given to Inspector when periods of work are to be extended.

7. Notice of the intention to require persons employed in a commercial establishment to work on any day in excess of the period of twelve hours prescribed in section 12 shall be

given<sup>1</sup> either in English or in a regional language to the Inspector within whose jurisdiction such establishment is situated at least 24 hours before such day:

Provided that if the employer for reasons beyond his control is unable to give the requisite notice at least 24 hours before such day, he shall give the notice on such day.

**Supervision to be exercised by Government over Local Authority.**

8. (1) Every Local Authority shall, within three months of the close of any year, submit to Government a report on the working of the Act within the area subject to its jurisdiction during such year.

(2) Government may call for such other reports and information as it may consider necessary and may give such directions to the Local Authority as may appear to it necessary for the proper enforcement of the Act.

**Provisions regarding Inspectors.**

9. (1) No person shall be appointed to be an Inspector under this Act unless he is a graduate of a recognised University and is able to speak, read and write the regional language of the area for which he is to be appointed as an Inspector:

Provided that in special circumstances a person who is not a graduate may be appointed to be an Inspector under this Act with the previous sanction of Government.

(2) No person shall be appointed to be an Inspector under this Act or, having been so appointed, shall continue to hold office, who is or becomes directly or indirectly interested in any establishment to which this Act applies in the area for which he is to be or has been appointed.

**Manner of examination of premises etc., by the Inspectors.**

10. (1) An Inspector, making an examination under section 26, shall make such examination of the premises and of the prescribed registers, records and notices as may appear to him necessary for the purpose of satisfying himself that the provisions of the Act, of these rules and any orders passed by the local authority or Government under the Act are being properly observed. In particular, he shall satisfy himself—

- (i) that the registers, records and notices required to be maintained or exhibited under the Act or these rules are properly maintained or exhibited ;
- (ii) that the intervals of rest and the holidays required to be granted under the Act are granted and that the limits of hours of work and spreadover laid down under the Act are not exceeded ;

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<sup>1</sup> Vide G. of B. Gaz. Part IV B, p. 6 of 11/1/13

- (iii) that the provisions of the Act relating to the payment for overtime work are duly observed ;
- (iv) that no child is allowed to work in any establishment to which the Act applies ; and
- (v) that the provisions of the Act and any orders issued by Government regarding the opening or closing hours are duly observed.

(2) For carrying out such examination, the inspector may interrogate such persons on the premises, as he may deem necessary, provided that no such person shall be required under this rule, to answer any question the answer to which might tend to criminate him.

**Ascertainment of age by the Inspectors.**

11. (1) An Inspector may require an employer to produce a certificate of age from a registered medical practitioner in respect of any person employed by him.

(2) Such certificate shall be in Form B.

**Maintenance of registers and records and display of notices.**

12. (1) Every employer shall maintain a register of employment in Form C, provided that where the opening and closing hours are ordinarily uniform the employer may maintain such Register in Form D.

(2) Notwithstanding anything contained in sub-rule (1), an employer may, instead of maintaining a register as provided in the said sub-rule, exhibit in his establishment, a notice specifying the daily hours to be worked by, and intervals for rest and meals to be allowed to, the persons employed. The notice shall be in Form E and shall be exhibited not later than the closing hour on the Saturday immediately preceding the first week in which the hours of work shall be as specified in such notice. It shall continue to be exhibited so long as the hours of work specified in it are observed.

(3) Where an employer has exhibited the notice referred to in sub-rule (2), he shall keep a record of hours of work in Form F.

(4) Every employer shall exhibit in his establishment a notice in Form G, specifying the day or days of the week on which the persons employed by him shall be given a holiday. The notice shall be exhibited before the persons to whom it relates cease work on the Saturday immediately preceding the first week during which it is to have effect.

(5) Every employer shall exhibit in his establishment a notice containing such extracts of the Act and these rules, in English and in the regional language of the majority of the

persons employed by him, as the local Authority or Government may direct.

(6) Any notice required to be exhibited under these rules shall be exhibited in such manner that it can be readily seen and read by any person whom it affects and shall be renewed whenever it becomes defaced or otherwise ceases to be clearly legible.

(7) In any register or record which an employer is required to maintain under these rules the entries relating to any day shall be made on such day.

(8) The registers, records and notices relating to any calendar year shall be preserved till the end of the next calendar year.

(9) If on an application made by an employer in writing, the local authority or Government, as the case may be, is satisfied that any muster roll, register or record maintained by such employer gives in respect of all or any of the persons employed in his establishment the particulars required to be shown in any register, record or notice prescribed under this rule, the local authority or Government, as the case may be, may by order in writing direct that such muster roll, register or record shall to the corresponding extent be maintained in place of such register, record or notice, as the case may be.

(9A)<sup>1</sup> Save as otherwise prescribed in sub-rule (5), all registers, records, muster rolls and notices required to be maintained, exhibited or given under the rule shall be either in English or regional language.

(10) Every employer shall maintain a visit book in which an Inspector visiting the establishment may record his remarks regarding any defects that may come to light at the time of his inspection and shall produce it whenever required to do so by any Inspector.

#### **Suspension of the provisions of the Act.**

13. Government may suspend the operation of the provisions of the Act under section 31 at the time of the following holidays and occasions :—

Christmas holidays.

Divali holidays.

Pateti holidays.

Jamshedi Navroz.

Ramzan and Ramzan Id.

Any occasion on which a public emergency is declared in this behalf by Government.

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<sup>1</sup> Vide G. of B. Gaz. Part IV B. p. 6 of 14/1/43.

Public fairs or exhibitions of religious festivals recognised in this behalf by Government.

Manner of calculating the ordinary rate of wages.

14. For the purpose of clause (2) of the Explanation to section 32 the "ordinary rate of wages" per hour shall be calculated in the following manner :—

Persons employed	Ordinary rate of wages per hour		
	If the person is employed on daily wages	If the person is employed on monthly wages	If the person is employed on yearly wages
(1) A person employed in a shop.	$\frac{2}{19}$ of the amount of daily wages	$\frac{1}{247}$ of the amount of monthly wages	$\frac{1}{2964}$ of the amount of yearly wages
(2) A person employed in a commercial establishment.	$\frac{1}{8}$ of the amount of daily wages	$\frac{1}{208}$ of the amount of monthly wages	$\frac{1}{2496}$ of the amount of yearly wages
(3) A person employed in a restaurant eating house, theatre or other place of public amusement and entertainment.	$\frac{1}{10}$ of the amount of daily wages	$\frac{1}{260}$ of the amount of monthly wages	$\frac{1}{3120}$ of the amount of yearly wages

#### Penalty.

15. Any person contravening any of the provisions of rule 6, 7 or 12 shall, on conviction, be punishable with fine which may extend to Rs. 50.

#### FORM A.

#### (Rules 3 and 4).

Notice is hereby given that the Provincial Government proposes to pass an order under sub-section (1) of section  $\frac{5}{10}$  of the Bombay Shops and Establishments Act, 1939, that with effect from no <sup>shops</sup> Commercial establishment situated in                      shall be opened on any day earlier than                      and/or shall be closed on any day later than                     

Any person wishing to make any objection or suggestion with respect to the above order shall send in writing to the Commissioner of Labour before the                      day of                      1940.

Dated this                      day of                      1940.

Chief Secretary to Government.

FORM B.

(Rule 11.)

Form of Certificate.

I hereby certify that I have personally examined (name)

\_\_\_\_\_ <sup>son</sup>  
\_\_\_\_\_ daughter of \_\_\_\_\_  
aste, etc.) \_\_\_\_\_ residing at \_\_\_\_\_ and that

$\frac{2}{3}$  has completed  $\frac{\text{his}}{\text{her}}$   $\frac{\text{twelfth}}{\text{seventeenth}}$  year.

description marks are

Thumb impression.

Medical Practitioner.





**[Rule 12 (1).]**

**Where opening and closing hours are ordinarily uniform.**

[illegible]

**Note.—The mark “H” shall be made in the column relating to any day on which a holiday is given accordance with the notice referred to in rule 12 (4)**

\* This column need not be filled by commercial establishments

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## FORM E.

[Rule 12 (2).]

## Notice.

Daily periods of work of persons employed  
Commencing 19 .

Name of Employer  
or Establishment.

Description of Department  
(if applicable).

Names of persons employed	Whether young person or not	Day		
		Employment to commence	Intervals for meals and rest	Employment to cease

(Signed)

(Employer).

Date

- Notes—1** This notice must be exhibited not later than the closing hour on the Saturday preceding the first week in which it is to take effect, and must continue to be exhibited while it is in force, in such a manner that it may be readily seen and read by any person whom it affects
- 2** The hours to be specified in this notice shall be the hours to be worked exclusive of overtime.
- 3** The entries under the heading "Intervals for meals and rest" shall be the actual times at which the intervals are to begin and end (e.g., 1 p.m. to 2 p.m.)

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## FORM F.

[Rule 12(3).]

### Record of Hours of work of Persons employed.

(To be used only when Notice in Form E is exhibited).

Description of Department  
(if applicable).

Month

Year

Names of persons employed	Whether young person or not	Total hours worked during the month	*Days on which over-time work is done and extent of such overtime on each occasion	Extent of overtime worked during the month	Extent of overtime worked previously during the year

\* This column need not be filled by commercial establishments  
Note—Entries relating to any day must be made on that day

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## FORM G.

### [Rule 12(4)]

Notice.

Holiday.

The persons employed in this {  
 Shop  
 Commercial Establishment.  
 Restaurant.  
 \*Eating house.  
 Theatres, etc.  
 Other places of public amuse-  
 ment or entertainment.

shall be given a holiday on the day named below in the week following the date of this notice and until further notice.†

‡Names or class of persons employed	Day on which holiday is allowed

Signature of Employer.

Date.

\* Strike out the words which are not appropriate.

† Strike not the words "and until further notice" if the notice is intended to apply only to one week

‡ If the same day is fixed for all the persons employed the word "all" only need be inserted in this column.

# The Bombay Shops and Establishments Act 1939

## NOTIFICATIONS.

1. No. 143/34—In exercise of the powers conferred by clause (K) of sub-section (1) of section 4 of the Bombay Shops and Establishments Act, 1939, (XXIV of 1939), the Government of Bombay is pleased to exempt the Reserve Bank of India from the operation of the said Act.

(Vide G. of B. Gaz. Part IVB p. 1165 of 21-11-40)

2. No. 143/44—In exercise of the powers conferred by clause (K) of sub-section (1) of section 4 of the Bombay Shops and Establishments Act, 1939 (Bom. XXIV of 1939) the Government of Bombay is pleased to exempt the establishments maintained in connection with the Petrol Services Stations and Petrol Pumps from operation of the said Act.

(Vide G. of B. Gaz. Part IVB p. 1 of 9-1-41)

3. No. 4249/34—III—In exercise of the powers conferred by Clause (K) of sub-section I of section 4 of the Bombay Shops and Establishments Act, 1939 (Bom. XIV of 1939), the Government of Bombay is pleased to exempt the following categories of staff employed in the Dock yard of Messrs. Bombay Steam Navigation Co., Ltd., Bombay, at Mazagon, from the operation of the said Act during the continuance of the War.

- (i) Clerks engaged in the work of booking labours, indenting for material, and time-keeping.
- (ii) Main Time-keeping staff, including Ticket boys and Ticket Clerks, and clerks employed in the preparation of wages sheet.
- (iii) Costing clerks employed at the Factory Office.
- (iv) All clerical labour engaged in respect and despatch of goods and stock clerks.
- (v) Telephone Operators employed in the Factory.

(Vide G. of B. Gaz. Part IVB p. 179 of 13-3-41)

4. No. 4249/34—In exercise of the powers conferred by clause (K) of sub-section (1) of section 4 of the Bombay Shops and Establishments Act, 1939 (Bom. XXIV of 1939), the Government of Bombay is pleased to exempt the following categories of stall employed in the shipyard of Messrs. The Scindia Steam Navigation Co., Ltd., Powder Works Bunder, Mazagon, Bombay

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from the operation of the said Act during the continuance of the War.

- (1) Clerks engaged in the work of booking labour, indenting for material, and time-keeping.
  - (2) Main Time-keeping Staff, including Ticket Boys and Ticket clerks employed in the preparation of Wage-sheets.
  - (3) Costing clerks employed at the Factory Office.
  - (4) All clerical labour engaged in the receipt and despatch of goods and stock clerks.
  - (5) Telephone operators employed in the Factory.
- (Vide G. of B. Gaz. Part IVB O. 295 of 6-8-1942)

## Bombay Trade Dispute Conciliation Act 1934\*

BOMBAY ACT NO. IX OF 1934.<sup>1</sup>  
[9th October, 1934.]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

*An act to make further provision for the prevention and settlement of Trade Disputes by Conciliation and for Certain other purposes.*

WHEREAS it is expedient to make further provision for the prevention and settlement of trade disputes by conciliation and for certain other purposes hereinafter appearing ;

AND WHEREAS the previous sanction of the Governor General required by sub-section (3) of section 80-A of the Government of India Act and the previous sanction of the Governor required by section 80-C of the said Act have been obtained for the passing of this Act ;

It is hereby enacted as follows :—

**Short title.**

1. This Act may be called the Bombay Trade Disputes Conciliation Act, 1934.

\*Note—This Act is published in the Bombay Government Gazette Part IV p. 340  
<sup>1</sup> For statement of Objects and Reasons, See Bombay Government Gazette, 1934, Pt. V, pp. 91, 95; and for Proceedings in Council, see Bombay Legislative Council Debates, 1934, Vol. XL.

**Extent, commencement and application.**

2. (1) Section 1 and this section extend to the whole of the Bombay Presidency. The remaining provisions of this Act extend to the City of Bombay and the Bombay Suburban District and the <sup>2</sup>[Provincial Government] may further, by notification in the <sup>3</sup>[Official Gazette], direct that the said provisions shall extend to such other area as may be specified in the notification.

(2) Section 1 and this section shall come into force at once. The <sup>2</sup>[Provincial Government] may, by notification in the <sup>3</sup>[Official Gazette], direct that the remaining provisions of this Act shall come into force in any area to which the said provisions extend or may have been extended under sub-section (1), on such date as may be specified in the notification.

(3) This Act shall apply, in the first instance, to the textile trade or industry. The <sup>2</sup>[Provincial Government] may, by notification in the <sup>3</sup>[Official Gazette], direct that the provisions of this Act shall apply to such other trade or industry and in such area as may be specified in the notification.

**Definitions.**

3. In this Act, unless there is anything repugnant to the subject or context,—

- (a) "Commissioner of Labour" means the officer appointed for the time being to be the Commissioner of labour;
- (b) "Conciliator" includes the Chief Conciliator or a Special or Assistant Conciliator appointed under this Act;
- (c) "Conciliation proceeding" means a proceeding held by a Conciliator under this Act;
- (d) "Delegate" means a person appointed under section 9 to represent a party to a trade dispute in a conciliation proceeding and includes the Labour

<sup>2</sup> The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

<sup>3</sup> The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by *ibid*

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- Officer acting as a delegate to represent workmen in such proceeding ;
- (e) "employer" includes any body of persons, whether incorporated or not and any managing agent of an employer ;
- (f) "Labour Officer" means an officer appointed to perform the duties of Labour Officer under this Act ;
- (g) "prescribed" means prescribed by rules made under this Act ;
- (h) "trade dispute" means any dispute or difference between employers and workmen, which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour, of any person ;
- (i) words and expressions not defined in this Act, but defined in the Trade Disputes Act, 1929, shall have the meaning assigned to them in that Act.

## Appointment of Conciliators.

4. (1) The Commissioner of Labour shall be the *ex officio* Chief Conciliator.

(2) The <sup>1</sup>[Provincial Government] may, by notification in the <sup>2</sup>[Official Gazette], appoint any person to be a Special Conciliator for such area as may be specified in the said notification.

(3) The <sup>1</sup>[Provincial Government] may, by notification in the <sup>2</sup>[Official Gazette], appoint any person to be an Assistant Conciliator for such area as may be specified in the said notification.

## Labour Officer.

5. (1) The <sup>1</sup>[Provincial Government] may, by notification in the <sup>2</sup>[Official Gazette], appoint any person to be a Labour Officer for such area as may be specified in the said notification.

<sup>1</sup> The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

<sup>2</sup> The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by *ibid*



(2) The Labour Officer shall exercise the powers conferred and perform the duties imposed on him by or under this Act. It shall be the duty of the Labour Officer to watch the interests of workmen with a view to promote harmonious relations between employers and workmen and to take steps to represent the grievances of workmen to employers for the purpose of obtaining their redress.

(3) For the purpose of exercising such powers and performing such duties, the Labour Officer may, after giving reasonable notice, enter any place used for the purpose of any trade or industry to which this Act applies and shall be entitled to inspect and call for documents, relevant to the grievances of workmen, in the possession of any employer or workman, as the Labour Officer deems necessary. The Labour Officer may, for the same purpose, enter after giving reasonable notice any premises provided by an employer for the purpose of residence of his workmen.

(4) All particulars contained in or information obtained from any document inspected or called for under sub-section (3) shall if the person in whose possession the document was so required, be treated as confidential.

#### **Jurisdiction of Conciliators.**

6. (1) The Chief Conciliator shall exercise powers and perform duties under this Act throughout the Presidency except in the area for which a Special Conciliator has been appointed under this Act.

(2) An Assistant Conciliator shall be subordinate to, and shall exercise such powers and perform such duties as may be delegated to him by, the Chief Conciliator or Special Conciliator, as the case may be.

#### **Application or report for settlement of trade disputes.**

7. If any trade dispute exists or is apprehended,—

- (a) either or both parties to the dispute may apply, whether separately or conjointly, or
- (b) the Labour Officer may make a report, to the Conciliator for a settlement of the dispute.

**Conciliator to give notice to parties.**

8. (1) If the Conciliator,

(a) in any area for which a Labour Officer is appointed on receipt of an application or report under section 7, or

(b) elsewhere, on receipt of an application under section 7 or upon his own knowledge or information, is satisfied that a trade dispute exists or is apprehended, he may cause notice to be given to the parties to the dispute to appear before him at such time and place as may be specified in the notice.

A copy of such notice shall be sent to the Labour Officer.

(2) Notice to the parties shall require them to appoint, within such time as may be specified in the notice, delegates to represent them in the conciliation proceeding.

(3) Notice under this section shall be in the prescribed form and shall be served in the prescribed manner.

**Delegates.**

9. (1) On receipt of notice under section 8, the parties to a trade dispute shall within the time specified in the notice or within such time as may be fixed by the Conciliator in this behalf appoint delegates in such manner as the Conciliator may direct :

Provided that when a party to the dispute is a single individual, such party may appoint himself as a delegate :

Provided further that the Labour Officer may be appointed as a delegate on behalf of the workmen.

(2) The number of delegates appointed by a party to a trade dispute shall not exceed three :

Provided that when, in the opinion of the Conciliator, such party to the dispute is divided into two or more groups, the Conciliator may allow each of such groups to appoint separate delegates not exceeding three :

Provided, further, that the total number of delegates appointed by all the groups forming the party shall not exceed twelve.

(3). If an employer who is a party to a trade dispute has failed or refused to appoint any delegate within the time specified in the notice or within such further time as may be fixed by the Conciliator, such employer, shall, on conviction, be punishable with fine which may extend to Rs. 100 and with further fine which may extend to Rs. 100 for every day on which such failure or refusal continues after the date of the first conviction.

**Explanation.**

Where such employer is a company registered under the Indian Companies Act, 1913, employer shall mean the managing agent or managing director of such company or any other officer of the company authorised to represent such company in the prescribed manner.

(4) No criminal court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try an offence under sub-section (3).

(5) No criminal court shall take cognizance of any offence under sub-section (3) except with the previous sanction of the <sup>2</sup>[Provincial Government].

(6) Where workmen who are parties to a trade dispute have failed or refused to appoint any delegate within the time specified in the notice or within such further time as may be fixed by the Conciliator, the Labour Officer shall act as the delegate on behalf of such workmen.

**Disqualification from being a delegate.**

10. (1) A person shall be disqualified from being or acting as a delegate, if such person—

(a) is less than twenty-one years of age; or

(b) is an uncertificated bankrupt or an undischarged insolvent.

(2) A person shall be disqualified from acting as a delegate, if such person is not, in the opinion of the Conciliator, after the conciliation proceedings have started, a fit and proper person to be a delegate.

<sup>1</sup> Central Acts.

<sup>2</sup> The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

(3) The decision of the Chief Conciliator or the Special Conciliator, as the case may be, that a person is disqualified from being appointed or acting as a delegate shall be final.

**Conciliation proceeding.**

11. (1) On the date specified in the notice under subsection (1) of section 8 or on such other date as may be fixed by the Conciliator on his motion or at the request of any of the parties to a trade dispute, the Conciliator shall hold the conciliation proceeding in the prescribed manner.

(2) A party to such trade dispute shall be represented in a conciliation proceeding by delegates. The Labour Officer, even if not appointed or acting as delegate, shall be entitled to be present at such proceeding.

(3) It shall be the duty of the Conciliator to endeavour to bring about a settlement of the trade dispute and for this purpose the Conciliator shall inquire into the dispute, and all matters affecting the merits thereof and the right settlement thereof and in so doing may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute and may adjourn the conciliation proceeding for any period sufficient in his opinion to allow the parties to agree upon the terms of the settlement.

**Procedure and powers of Conciliator in conciliation proceeding.**

12. (1) A Conciliator shall, subject to the provisions of this Act, follow in a conciliation proceeding such procedure as may be prescribed.

(2) For the purpose of holding a conciliation proceeding, the Conciliator shall have the same powers as are vested in courts under the Code of Civil Procedure, 1908, in trying a suit in respect of the following matters, viz:—

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) compelling the production of documents and material objects ; and

(c) issuing commissions for the examination of witnesses;

and shall have such further powers as may be prescribed.

(3) If a party to a trade dispute giving any information or producing any document in a conciliation proceeding makes a request in writing to the Conciliator that such information or the contents of such document may be treated as confidential, the Conciliator shall direct that such information or document be treated as confidential.

(4) The Conciliator may, if he thinks fit, permit the information or contents of the document in respect of which a request has been made under sub-section (3) to be disclosed to the other party to the trade dispute.

Provided that the Conciliator shall not permit such information or the contents of such document to be so disclosed to the other party to the trade dispute, if it is shown to his satisfaction that such disclosure is likely to affect the interests of the party making the request under sub-section (3) adversely in any matter not connected with the settlement of the said dispute.

(5) Save as provided in sub-section (4), the Conciliator or any person present at or concerned in the conciliation proceeding shall not disclose any information or the contents of any document directed to be treated as confidential under sub-section (3), without the consent in writing of the party making the request under the said sub-section.

(6) Nothing in this section shall apply to the disclosure of any information or the contents of any document for the purpose of a prosecution for an offence under section 14 or under the Indian Penal Code.

#### **Settlement and Report.**

13. (1) If a settlement of a trade dispute is arrived at in a conciliation proceeding, a memorandum of such proceeding and settlement shall be drawn up in the prescribed form by the Conciliator and signed by the delegates. The Conciliator shall send a report of such settlement together

with a copy of the memorandum to the <sup>1</sup>[Provincial Government].

(2) If no such settlement is arrived at, the Conciliator shall, as soon as possible, after the close of the conciliation proceeding, send a full report regarding the trade dispute to the <sup>1</sup>[Provincial Government], setting forth the particulars of the proceeding and the steps taken by him for the purpose of ascertaining the facts and circumstances relating to the dispute and the reasons on account of which, in his opinion, a settlement could not be made.

(3) Notwithstanding anything contained in sub-section (1) or (2) any information or contents of any document shall not be included in the memorandum of proceedings, settlement or report drawn up or made under sub-section (1) or (2), if such information or the contents of such document is not permitted by the Conciliator to be disclosed under sub-section (4) of section 12.

(4) The record of the conciliation proceeding held and settlement made under this section shall be maintained in the prescribed manner.

#### **Penalty for Disclosing confidential information.**

14. (1) If the Conciliator or any person present at or concerned in a conciliation proceeding wilfully discloses any information or contents of any document in contravention of section 12, he shall, on complaint made by the party who made the request under sub-section (4) of section 12, be punishable with fine which may extend to one thousand rupees.

(2) No criminal court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence under this section.

(3) No criminal court shall take cognizance of any offence under this section except with the previous sanction of the <sup>1</sup>[Provincial Government].

<sup>1</sup> The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

**Exemption of documents from Stamp duty, courtfee and Registration Fees.**

15. Any application, document or other instrument made or produced in the course of any proceeding under this Act shall be exempt from stamp duty, court-fee or registration fee payable under any law for the time being in force.

**Penalty.**

16. If any person instigates or incites others not to take part in a conciliation proceeding, or otherwise obstructs or instigates or incites others to obstruct a Conciliator in the discharge of his duties under this Act or molests or abets the molestation of others, with intent to prevent them from taking part in a conciliation proceeding, such person shall, on conviction, be punishable with imprisonment of either description which may extend to six months or with fine or with both.

**Explanation.**

For the purpose of this section, a person is said to molest any person who

- (a) with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or any member of his family or person in his employ, or loiters at or near a place where such person or member or employed person resides or persistently follows him from place to place, or interferes with any property owned or used by him, or deprives him of or hinders him in the use thereof, or
- (b) loiters or does any similar act at or near the place where a conciliation proceeding is held, in such a way and with intent that any person may thereby be deterred from entering or approaching such place.

**Power of entry.**

17. It shall be lawful for a Conciliator at any time and from time to time when necessary for the purposes of exercising the powers conferred and performing the duties imposed by or under this Act to enter any premises used for the purpose of any trade or industry to which this Act applies.

**Conciliator and Labour Officer to be public servants.**

18. A Councillor and a Labour Officer shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

**Protection to persons acting in good faith.**

19. No suit or proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

**Rules**

20. (1) The <sup>1</sup>[Provincial Government may make rules not inconsistent with the provisions of this Act for the purpose of carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely :—

- (a) prescribing the powers and duties of the Labour Officer ;
- (b) prescribing the powers and duties which may be delegated to Assistant Conciliators ;
- (c) prescribing the form and manner in which notice shall be given under section 8 ;
- (d) prescribing the manner in which the officer of a company shall be authorised to represent the company under section 9 ;
- (e) regulating the procedure in which a conciliation proceeding shall be held under section 11 ;

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<sup>1</sup> The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.



- (f) determining the scale of fees at which witnesses shall be paid for appearance in a conciliation proceeding under section 11 ;
- (g) specifying the powers which may be exercised by the Conciliator for the purpose of a conciliation proceeding under section 11 ;
- (h) prescribing the form in which and the particulars which shall be mentioned in the memorandum of a settlement under section 13 ;
- (i) prescribing the manner in which the record of a conciliation proceeding and settlement shall be maintained under section 13 ; and
- (j) providing for any other matter for which there is no provision or insufficient provision in this Act and for which provision is, in the opinion of the <sup>1</sup>[Provincial Government], necessary for giving effect to the provisions of this Act.

(3) The rules made under this section shall be subject to the condition of previous publication in the <sup>2</sup>[Official Gazette].

(4) Rules made under this section shall be laid <sup>3</sup>[before each of the Chambers of the Provincial Legislature] at the session <sup>4</sup>[thereof] next following and shall be liable to be modified and rescinded by a resolution <sup>5</sup>[in which both the Chambers concur] and such rule shall after notification in the <sup>2</sup>[Official Gazette] be deemed to have been modified or rescinded accordingly :

Provided that when in the opinion of the <sup>3</sup>[Provincial Government] such modification or rescission is likely to de-

<sup>1</sup> The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

<sup>2</sup> The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by *ibid*

<sup>3</sup> The words "before each of the Chambers of the Provincial Legislature" were substituted for the words "upon the table of the Bombay Legislative Council" by *ibid*.

<sup>4</sup> The word "thereof" was substituted for the words "of the said Council" by *ibid*.

<sup>5</sup> The words "in which both the Chambers concur were" substituted for the words "of the said Council" by the Adaptation of Indian Laws Order Council.

feat or frustrate any of the purposes of this Act, the <sup>3</sup>[Provincial Government] may by notification in the <sup>2</sup>[Official Gazette] declare that the modification or rescission shall have no effect and thereupon the rules shall remain in force, as if they had not been modified or rescinded.

**Saving of the provisions of the Trade Disputes Act, 1929.**

21. Nothing in this Act shall affect any of the provisions of the Trade Disputes Act, 1929, and no conciliation proceeding shall be held relating to any matter or trade dispute which is referred to and is pending before, the Court of Inquiry of Board of Conciliation under the said Act.

## Bombay Trade Disputes Conciliation Act, 1934

### RULES.

Bombay Castle, 12th January 1935.

No. 340/34.—In exercise of the powers conferred by section 20 of the Bombay Trade Disputes Conciliation Act, 1934 (Bom. IX of 1934), the Governor in Council is pleased to make the following rules for the purpose of giving effect to the provisions of the said Act:—

### Preliminary.

#### Short title.

1. These rules may be called the Bombay Trade Disputes Conciliation Rules, 1934.

#### Definitions.

2. In these rules, unless there is anything repugnant in the subject or context,

- (a) "Act" means the Bombay Trade Disputes Conciliation Act, 1934.
- (b) "Section" means a section of the Act.

<sup>2</sup> The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by *ibid.*

<sup>3</sup> The words "Provincial Government" were substituted for the words "Governor in Council" by *ibid.*

**Form and manner of giving notice under section 8.**

3. The notice under section 8 shall be given in Form A appended to these rules and shall be served in the following manner :—

- (a) Where a registered company is a party to a trade dispute, the notice shall be sent to the managing agent or the managing director of the company at the registered office of the company :

Provided that when such company has, before the issue of the notice, intimated in writing to the Chief Conciliator that the notice under this section should be served on some other officer in British India of such company, the notice shall be sent to such officer at such address as may be specified in the intimation.

- (b) Where members of a registered trade union are a party to a trade dispute, the notice shall be sent to the registered office of the trade union.
- (c) Where an owner, Manager or occupier of an industrial establishment is a party to a trade dispute the notice shall be sent by registered post addressed to him at such establishment.
- (d) Where workmen who are not members of a registered trade union, and who have not made an application under clause (a) of section 7, are a party to a trade dispute, the notice shall be served on the Labour Officer, who shall communicate its contents to the workmen in such manner as seems best to him in the circumstances of each case.
- (e) Except in cases provided in clauses (a) to (d), notice shall be sent by registered post to the address given by a party to a trade dispute in his application under clause (a) of section 7.

**Intimation of authorisation of an officer by a Company.**

- 4. (a) Where an employer is a company registered under the Indian Companies Act, 1913, the managing agent or the managing director of such company may give written intimation to the Chief Conciliator that the company has authorised some other officer of the company residing in British India to represent it for the purposes of sub-section (3) of section 9.
- (b) Such intimation shall contain the name, address and occupation of the officer authorised to represent the company.
- (c) Such intimation shall be given to the Chief Conciliator at any time not later than twenty-four hours after notice under section 8 is given to such employer.

## LABOUR AND FACTORY LEGISLATION

**Expenses of witnesses.**

5. (1) Expenses reasonably incurred by any person summoned to give evidence or produce a document before the Conciliator may be allowed by the Conciliator to such person according to the scale prescribed for witnesses summoned to give evidence in the Court of the Presidency Small Causes, Bombay.

(2) Any party to a trade dispute applying for the issue of a summons to any person required to give evidence or produce a document before the Conciliator shall, within a period to be fixed by the Conciliator and before a summons is issued, deposit with the Conciliator such sum of money as would, in the opinion of the Conciliator, be sufficient for the purpose of defraying the expenses of the person summoned.

(3) The expenses allowed in the case of a person summoned by the Conciliator on his own motion or at the request of the Labour Officer shall be borne by the Provincial Government.

**Manner of maintaining record of conciliation proceedings and settlement.**

6. The records of conciliation proceedings shall be maintained in Form B appended to these rules.

**FORM A.**

(See rule 3.)

**Form of Notice to be given under section 8 of the Bombay Trade Disputes Conciliation Act, 1934.**

Whereas under section 7 of the Bombay Trade Disputes Conciliation Act, 1934, an application has been made by the settlement of a trade dispute in the Labour Officer has made a report to the Conciliator,

And whereas I am satisfied that the dispute exists or is apprehended in

I hereby call upon you under the powers vested in me under sub-sections (1) and (2) of section 8 of the said Act, to appoint within \_\_\_\_\_ days of the receipt of this notice delegates not exceeding \_\_\_\_\_ in number to appear before me on your behalf to take part in the conciliation proceeding which will commence on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

(Signed)

Conciliator.

Dated \_\_\_\_\_

FORM B.

(See rule 6.)

Form in which record of conciliation proceedings shall be maintained.

Reference No.

1. Name or names of firm or firms in which the strike or lock-out occurred or was apprehended.
2. Names of parties and names of delegates, if any
3. Date of the first day in which the workmen were absent from work through strike or lock-out.
4. Total number of persons employed in the firm or firms in which the strike or lock-out occurred or was apprehended
5. Number of persons involved in the dispute
  - Directly
  - Indirectly
6. Cause or object of dispute.
7. Date when the strike or lock-out ended
8. Result of the Dispute
9. Brief description of the steps taken to bring about a settlement, giving the names of any organisations or persons assisting to bring about the settlement
10. Method by which settlement was brought about

Note.—Where an agreement in writing has been arrived at between the parties to the disputes, a copy of the agreement should be attached to the record.

Signature or signatures of officers or officer concerned with the settlement of the dispute.

Date



## PART III

Acts, Ordinances, Orders and Rules promulgated by the Government of India since 1st September, 1939, i.e., since the War. These Acts, Ordinances, Orders and Rules are published with the permission of the Government of India but not under their authority of direction.





## PART III

### <sup>1</sup>Coal Mines Labour Welfare Fund

Ordinance, 1944

ORDINANCE No. VII of 1944.

*AN ORDINANCE to constitute a fund for the financing of activities to promote the welfare to labour employed in the coal-mining industry,*

WHEREAS an emergency has arisen which makes it necessary to constitute a fund for the financing of activities to promote the welfare of labour employed in the coal mining industry ;

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

#### **Short title, extent and commencement.**

1. (1) This Ordinance may be called the Coal Mines Labour Welfare Fund Ordinance, 1944.
- (2) It extends to the whole of British India.
- (3) It shall come into force at once.

#### **Interpretation.**

2. In this Ordinance—

- (a) "Advisory Committee" means the Advisory Committee constituted under section 5 ;
- (b) "Fund" means the Coal Mines Labour Welfare Fund referred to in sub-section (1) of section 4.

#### **Imposition and collection of a cess.**

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be levied and collected, as a cess for the purposes of this Ordinance, on all coal and

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soft coke despatched from collieries in British India, a duty of excise at such rate, not less than one anna for more than four annas per ton, as may from time to time be fixed by the Central Government by notification in the Official Gazette after consultation with the Advisory Committee :

Provided that the Central Government may, by notification in the Official Gazette, exempt from liability to the duty a specified class or classes of coal or soft coke.

(2) The duty imposed by sub-section (1) shall, subject to and in accordance with the rules made in this behalf, be collected on behalf of the Central Government by such agencies and in such manner as may be prescribed by the rules, and shall be paid by the collecting agencies into the Reserve Bank of India at Calcutta to the credit of the Central Government.

## The Coal Mines Labour Welfare Fund.

4. (1) The proceeds of the duty imposed by sub-section (1) of section 3 shall be credited to a fund to be called the Coal Mines Labour Welfare Fund, which shall be applied by the Central Government to meet expenditure incurred in connection with measures which in the opinion of the Central Government are necessary or expedient to promote the welfare of labour employed in the coal-mining industry.

(2) Without prejudice to the generality of the foregoing sub-section, the Fund may be utilised to defray—

- (a) the cost of administering the Fund ;
- (b) the allowances, if any, of the members of the Advisory Committee, and the salaries and the allowances, if any, of Inspectors, Welfare Administrators or other officers appointed to supervise or carry out the activities financed from the Fund ;
- (c) the cost of measures for the benefit of labour employed in the coal-mining industry directed towards—
  - (i) the improvement of public health and sanitation, the prevention of disease, the provision

- of medical facilities and the improvement of existing medical facilities ;
- (ii) the provision of water supplies and facilities for washing, and the improvement of existing supplies and facilities ;
- (iii) the provision or improvement of educational facilities ;
- (iv) the improvement of standards of living, including housing and nutrition, the amelioration of social conditions, and the provision of recreational facilities ;
- (v) the provision of transport to and from work ;
- (d) the grant to a Provincial Government, a local authority or the owner, agent or manager of a coal-mine of money in aid of any scheme approved by the Central Government for any purpose for which the Fund may be utilised ;

Provided that before any such grant is made to the owner, agent or manager of a coal-mine, the Advisory Committee shall be consulted ;

- (e) any other expenditure which the Central Government directs to be defrayed from the Fund.

(3) The Central Government shall have power to decide whether any particular expenditure is or is not debitable to the Fund, and its decision shall be final.

(4) The Central Government shall publish annually in the Official Gazette an estimate of receipts into and expenditure from the Fund, and a statement of accounts.

#### **The Advisory Committee.**

5. (1) The Central Government shall constitute an Advisory Committee, to advise the Central Government on the matters on which the Central Government is required by this Ordinance to consult it, and upon any other matters arising out of the administration of this Ordinance which the Central Government may refer to it for advice.

(2) The members of the Advisory Committee shall be appointed by the Central Government and shall be of such

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number and chosen in such manner as may be prescribed by rules made under this Ordinance :

Provided that the Committee shall include an equal number of members representing colliery owners and workmen employed in the coal-mining industry, and that at least one member of the Committee shall be a woman.

(3) The chairman of the Advisory Committee shall be an officer of the Central Government, appointed by the Central Government.

(4) The Central Government shall publish in the official Gazette the names of all members of the Advisory Committee.

**Appointment and powers of Officers.**

6. (1) The Central Government may appoint Inspectors, Welfare Administrators and other officers to supervise or carry out the activities financed from the Fund.

(2) Any officers so appointed shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

(3) Any Inspector or Welfare Administrator may, with such assistance if any, as he thinks fit, enter at any reasonable time any place which he considers it necessary to enter for the purpose of supervising or carrying out the activities financed from the Fund, and may do therein anything necessary for the proper discharge of his duties.

**Power to make rules.**

7. (1) The Central Government may, by notification in the Official Gazette, make rules to carry into effect the purposes and the provisions of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, rules made under this section may provide for—

(i) the manner in which the excise duty imposed by sub-section (1) of section 3 shall be collected, the persons who shall be liable to make the payments, the making of refunds, remissions and recoveries, the deduction by collecting agencies of a percentage of the realisations to cover the cost of collec-

tion, and the procedure to be followed in remitting the proceeds to the credit of the Central Government ;

- (ii) the composition of the Advisory Committee, the manner in which its members shall be chosen, the term of office of its members, the allowances, if any, payable to them, and the manner in which the Advisory Committee shall conduct its business;
- (iii) the conditions governing the grant of money from the Fund to a Provincial Government, a local authority or an employer ;
- (iv) the conditions of service and the duties of the officers appointed to supervise or carry out the activities financed from the Fund ;
- (v) the form of the estimate and statement referred to in sub-section (4) of section 4 ;
- (vi) the furnishing by owners or agents or managers of coal mines of statistical or other information, and the punishment by fine for failure to comply with the requirements of any rule made under this clause.

## Coal Mines Labour Welfare Fund Ordinance, 1944

### RULES.

New Delhi, 21st September, 1944.

No. L. MP-23/70.—In exercise of the powers conferred by Section 7 of the Coal Mines Labour Welfare Fund Ordinance 1944 (No. VII of 1944), the Central Government is pleased to make the following rules, namely :—

#### Short title and extent.

1. (1) These Rules may be called the Coal Mines Labour Welfare Fund Rules, 1944.

(2) They extend to the whole of British India, including those excluded and partially excluded areas to which the Coal Mines Labour Welfare Fund Ordinance, 1944, has been, or may hereafter be, applied under sub-section (1) of section 92 of the Government of India Act, 1935.

# LABOUR AND FACTORY LEGISLATION

## Definitions.

2. In these Rules, unless there is anything repugnant in the subject or context,—

- (a) "The Ordinance" means the Coal Mines Labour Welfare Fund Ordinance, 1944 (VII of 1944) ;
- (b) "Chairman" means the Chairman of the Advisory Committee ;
- (c) "Member" means a member of the Advisory Committee.

## Composition of Advisory Committee.

3. (1) The Advisory Committee shall consist of the following members, namely :—

- (i) The Secretary to the Government of India in the Department of Labour who shall except as provided for under sub-rule (4), be Chairman ;
- (ii) One Official nominated by the Government of India in the Department of Labour who shall be the Vice-Chairman ;
- (iii) The Coal Commissioner ;
- (iv) The Labour Welfare Adviser with the Government of India.

- (v) The Chief Inspector of Mines ;
- (vi) One Official nominated by the Government of Bengal ;
- (vii) One Official nominated by the Government of Bihar ;
- (viii) One Official nominated by the Government of the Central Provinces and Berar.

- (ix) Two persons nominated by the Indian Mining Association ;
- (x) One person nominated by the Indian Colliery Owners Association ;
- (xi) One person nominated by the Central Provinces and Berar Mining Association ;
- (xii) One person nominated by the Central Government to represent other colliery owners ;
- (xiii) Six persons nominated by the Central Government to represent the interests of persons employed in coal mines ;
- (xiv) Two mining engineers to be nominated by the Central Government on the recommendation, one each by the Indian Mine Managers' Association and the National Association of Colliery Managers.

(2) The Central Government may appoint not more than three persons as members of the Advisory Committee to repre-

sent interests other than colliery owners or workmen employed in the coal-mining industry.

(3) Where any matter is under consideration concerning coal mines in any Province other than Begal, Bihar and the Central Provinces and Berar, the Central Government may co-opt a representative of that Government as member.

(4) The Hon'ble the Labour Member of the Government of India may attend any meeting of the Advisory Committee and when he does so attend, shall preside at the meeting.

**Nominations to fill vacancies.**

4. When a vacancy occurs in the office of a member nominated otherwise than by the Central Government or at any time within two months of the date when such a vacancy will occur in the ordinary course of events, the Central Government shall, by notice in writing call upon the body concerned to nominate a person to fill the vacancy, and the nomination shall be made within thirty days of the date of issue of such notice:

Provided that if any body fails to make the nomination within the period specified, the Central Government may itself nominate a person to fill the place on the Advisory Committee.

**Terms of office.**

5. (1) A nominated member shall, unless he resigns his office or dies at an earlier date, hold office for a period of three years from the date of the notification appointing him a member of the Advisory Committee and shall be eligible for re-nomination:

Provided that an outgoing member may continue in office until the appointment of his successor is notified.

(2) A member nominated to fill a casual vacancy or a member appointed by the Central Government on the failure of any body entitled to make a nomination shall hold office for as long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred or the nomination had been made, as the case may be.

**Power to co-opt members.**

6. (1) The Advisory Committee may, at any time and for such period as it thinks fit, co-opt any person or persons as members of the Advisory Committee or sub-committees.

(2) A member co-opted under sub-rule (1) shall exercise all the powers and functions of a member under these Rules, except that he shall not be entitled to vote on any question coming before the Advisory Committee.

**Resignation.**

7. A non-official nominated member may resign his office by letter addressed to the Chairman.

**Absence from India.**

8. (1) Before a non-official nominated member leaves India,—

- (a) he shall intimate to the Chairman the date of his departure from and the date of his expected return to India, or
- (b) if he intends to be absent from India for a longer period than six months, he shall tender his resignation.

(2) If any nominated member leaves India without taking action required by sub-rule (1), he shall be deemed to have resigned with effect from the date of his departure from India.

**Appointment of Substitutes.**

9. If a nominated member is unable to attend a meeting of the Advisory Committee, the body which nominated him may, by notice in writing signed on its behalf and by the said member and addressed to the Chairman before the sitting of a meeting, nominate a substitute in his place to attend that meeting. Such a substitute will have all the rights of a member.

**Vacation of Office.**

10. A nominated member shall be deemed to have vacated his office—

- (a) if he becomes bankrupt or insolvent or suspends payment or compounds with his creditors ; or
- (b) if he is convicted of any offence which in the opinion of the Central Government involved moral turpitude; or
- (c) if he is absent from meetings of the Advisory Committee for three consecutive meetings without leave of absence from the Chairman.

**Disposal of business.**

11. (1) Every question which the Advisory Committee is required to take into consideration shall be considered either at its meetings or, if the Chairman so directs, by sending the necessary papers to all members for their opinion ;

Provided that the papers need not be sent to a member who is absent from India at the time.

(2) When a question is referred for opinion, any member may request that the question be considered at a meeting of the Advisory Committee and thereupon, the Chairman may, and if the request is made by five or more members shall, direct that it be so considered.



**Time and place of meetings.**

12. The Advisory Committee shall meet at such places and times as may be appointed by the Chairman.

**Notice of meetings and list of business.**

13. (1) Notice of not less than 15 days from the date of posting shall be given to every member present in India of the time and place fixed for each ordinary meeting, and each member shall be furnished with a list of business to be disposed of at that meeting: Provided that when an emergent meeting is called by the Chairman, such notice shall not be necessary.

(2) No business which is not on the list shall be considered at a meeting without the permission of the Chairman.

**Presiding at meetings.**

14. The Chairman shall save as provided in sub-rule (4) of rule 3 preside at every meeting of the Advisory Committee at which he is present. If the Chairman is absent from any meeting, the Vice-Chairman shall preside at that meeting and if both the Chairman and the Vice-Chairman are absent the members present shall elect one of their number to preside over the meeting and the member so elected shall at that meeting exercise all the powers of the Chairman.

**Quorum.**

15. No business shall be transacted at a meeting of the Advisory Committee, whether ordinary or emergency, unless at least five members empowered to vote are present:

Provided that if at any meeting less than five such members attend, the Chairman may adjourn the meeting to a date not less than seven days later, informing the members present and notifying other members that he proposes to dispose of the business at the adjourned meeting irrespective of there being a quorum, and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number attending.

**Recommendation by majority.**

16. (1) Every question at a meeting of the Advisory Committee shall be decided by a majority of votes of the members present and voting on that question but the minority shall in all cases have the right of requiring their dissent to be noted.

(2) Every question referred to the members for opinion shall, unless the Chairman in pursuance of sub-rule (2) of rule 11, reserves it for consideration at a meeting, be decided in accordance with the opinions of the majority recording opinions within the time allowed.

(3) In the case of an equal division of votes or opinions, the Chairman shall exercise an additional vote or opinion.

**Minutes of meetings.**

17. (1) The proceedings of each meeting of the Advisory Committee shall be circulated to all members present in India and thereafter recorded in a minute book, which shall be kept for permanent record.

(2) The record of the proceedings of each meeting shall be signed by the Chairman.

**Staff of the Advisory Committee.**

18. (1) Subject to budget provision, and the provisions of rule 21, the Chairman may appoint technical and secretariat staff to assist him in carrying out his duties, may fix the scale of establishment and the salaries and allowances of officers and servants employed by him and may require security to be taken from them in such instances and to such amount as he thinks fit.

Provided that the appointment of a person to any post on a salary exceeding Rs. 500 a month shall require the previous sanction of the Central Government.

(2) Every person drawing a salary of Rs. 200 a month or over shall be entitled to appeal to the Central Government from an order passed by the Chairman imposing upon him the penalty of dismissal.

(3) All persons employed on a monthly basis and paid from the Fund shall be Government servants and subject to the usual rules of Government service.

(4) The Chairman may authorise the technical and secretariat staff to give technical and secretariat assistance to any Sub-Committee of the Advisory Committee or any other authority exercising executive or advisory functions in connection with the Ordinance or to any person expending grants obtained from the fund.

**Secretariat of the Advisory Committee.**

19. (1) The executive of the Committee shall be the Chairman, the Vice-Chairman and the Secretary.

(2) The headquarters of the Secretariat shall be situated in or adjacent to the Bengal/Bihar coalfields;

(3) The Vice-Chairman and Secretary shall carry out the routine duties and such other duties as may be specified by the Chairman and exercise such of his powers as he may delegate;

(4) The Secretary may be either whole time or part time and if part time may be an officer of the Mines Department.

**Budget.**

20. The annual budget of the Fund as prepared by the Committee's Executive in consultation with the Finance sub-committee shall be considered by the Advisory Committee in January of each year. Thereafter the budget as finally approved by the Advisory Committee shall be forwarded for sanction to the Central Government. It shall be opened to the Central Government to make such alterations in the budget as are considered suitable before according sanction.

**Schemes of expenditure.**

21. (1) The Chairman shall have, subject to provision in the sanctioned budget, power to incur expenditure on administrative staff and sanctioned welfare schemes up to the extent of the financial provision.

**Provided that—**

- (i) he shall have no power to sanction the creation of a post on a salary of more than Rs. 500 per mensem and shall have only such powers of reappropriation as may be approved by the Central Government after considering the advice of the Advisory Committee ;
- (ii) he shall have no power to incur expenditure on a scheme that has not been sanctioned by the Central Government if the cost of such a scheme exceeds Rs. 20,000 non-recurring or Rs. 2,500 recurring.

(2) The Chairman may, with the concurrence of the appropriate Sub-Committee, approve any new scheme costing less than Rs. 20 000 non-recurring and Rs. 2500 recurring. All other new schemes will require the sanction of the Central Government which should be applied for by the Chairman after taking the advice of the Advisory Committee.

Where Government do not approve of a new scheme forwarded by the Chairman they shall inform the Chairman as early a date as possible, preferably within 3 months and the Chairman shall inform the Advisory Committee or if the matter concerns only a particular coalfield the appropriate sub-committee.

**Contingent expenditure.**

22. The Chairman may sanction, without reference to the Advisory Committee, expenditure on contingencies, supplies and services and purchase of articles required for the working of the office of the Advisory Committee subject to budget provision and to the condition that the expenditure on any single object does not exceed Rs. 500.

**Sub-Committees.**

23. (1) The Advisory Committee shall elect sub-Committees to carry out certain functions of the Committee, namely:—

- (i) A Finance Sub-Committee, composed of five members to frame schemes of expenditure, and advise generally on the budget, on the accounts and in regard to all expenditure debitable to the Fund;
- (ii) A Works Sub-Committee, composed of five members to consider all major projects the cost of which is to be met from the Fund;
- (iii) Separate Coalfield sub-committees composed of five members each for each of the main coalfields in Bengal, Bihar, the Central Provinces and Berar and Assam to consider and advise on all matters relating to expenditure from the Fund in their respective coal-fields.

(2) Subject to sub-rule (4), the Vice-Chairman shall be the Chairman of the Finance sub-committee and the Works sub-committee, and a member of the Committee concerned with the particular coalfield shall be the Chairman of the particular coal-field sub-committee. The Vice-Chairman shall be entitled to attend any meeting of such Committee.

(3) All members of the Coalfield sub-committees except one and all members of the Finance and Works sub-committees except the Vice-Chairman shall be non-official and included in each sub-committee there shall be equal representation of the colliery owners and workmen employed in the coal-mining industry.

(4) Notices of a meeting of a sub-committee shall be sent to the Chairman of the Advisory Committee who may attend and preside at any meeting if he so desires, and when he does so attend, shall be entitled to vote on any question coming before the sub-committee.

(5) The Finance sub-committee and the Works sub-committee shall be composed of members of the Advisory Committee but the coalfield sub-committees may be composed of members not being members of the Advisory Committee but approved by the Advisory Committee.

(6) The meetings and proceedings of every sub-committee shall be governed by the provisions herein contained for regulating the meetings and proceedings of the Advisory Committee in so far as the same are applicable thereto.

**Remuneration of members.**

24. Each non-official member, including a non-official member co-opted under rule 6, shall be paid Rs. 10 for each meeting of the Advisory Committee or Sub-Committee attended

by him, subject to a maximum of Rs. 30 for any one calendar month, and travelling expenses subject to the condition that they shall not exceed 1½ first class railway fare each way.

**Other matters to be considered by Advisory Committee.**

25. The Advisory Committee shall, besides carrying out its statutory duties, consider any matters referred to it by the Central Government for advice. It shall also consider the budget and any matters that may be laid before it by the Chairman and there shall be an obligation on the Chairman to place before the Advisory Committee any matter at the request of not less than five members.

**Advisory Committee to be informed of expenditure.**

26. A memorandum detailing any grants made or expenditure incurred from the fund since the last meeting shall be laid before each meeting of the Advisory Committee.

**Recovery of excise duty.**

27. (1) The duty of excise imposed under section 3 of the Ordinance on coal and coke shall, when such coal or coke is despatched by rail from collieries, be collected by the Railway Administrations concerned by means of a surcharge on freight, and such duty of excise shall be recovered.

(a) from the consignor, if the freight charges are being pre-paid at the forwarding station;

(b) from the consignee, if the freight charges are collected at the destination of the consignment;

(c) from the party paying the freight if the consignment is booked on the "weight only" system.

(2) In calculating the amount of duty of excise payable on any one consignment any fractions of an anna shall be rounded off to the nearest anna.

**Declaration of consignment.**

28. All consignments of coke from collieries or coke plants tendered for despatch by rail shall be accompanied by a declaration advice note in which the consignor or his agent shall describe the consignment as either "soft coke" or "hard coke" according to the nature of the consignment.

**Weight for charge.**

29. For the purpose of the levy of the excise duty the actual weight of a consignment rounded off to the nearest ton, shall be taken into account.

**Remittance of Excise duty.**

30. (1) The total amount of excise duty collected by each Railway Administration less—

(a) refunds and write-offs, authorised by the Railway Administration under Rule 31,

(b) a deduction of such percentage as the Central Government may by notification in the Official Gazette fix, towards the cost of collection, shall, under advice to the Accountant General, Bengal be remitted quarterly to the Reserve Bank of India at Calcutta to the credit of the Central Government.

(2) An amount equivalent to the amount of excise duty credited to Central Revenues under sub-rule (1) shall be transferred to the Fund in a special account under the Central Government.

(3) The amount of the excise duty remitted during a financial year by a Railway Administration under sub-rule (1) shall be certified as soon as possible after the close of financial year by such officer or officers as the Central Government may appoint in this behalf.

(4) The certificates under sub-rule (3) shall be sent to the Central Government and copies thereof to the Accountant General, Bengal, by the officers concerned.

#### **Refunds and recoveries.**

31. (1) When the amount of the excise duty due under these rules has not been collected either wholly or in part or where the amount collected is in excess of the amount due, the Railway Administration shall deal with the under-charge or over-charge, as the case may be, on the same principles as apply to undercharges and overcharges in regard to railway freight charges.

(2) When it is proved to the satisfaction of the Central Government or any person authorised in this behalf by the Central Government, that any coal on which the duty of excise under section 3 of the Ordinance had previously been collected has been used in the manufacture of any coke on which also the duty has been collected, the Central Government or the person authorised in this behalf by the Central Government may order refund of an amount equal to the duty collected on such coal to the person from whom such duty was collected.

#### **Conditions of grants.**

32. (1) In each case in which a grant is made by the Central Government from the Fund to a Provincial Government a local authority or the owner, agent or manager of a coal mine in aid of any scheme approved by the Central Government for any purpose for which the Fund may be utilised, the Central Government shall impose such conditions as it may consider necessary for ensuring—

(a) that the work for which the grant is made is duly and promptly executed and the money is actually utilised for the purpose for which it is granted ;

- (b) that the data on which the grant is calculated are in accordance with facts ;
- (c) that any particulars which the Central Government may from time to time require for the proper discharge of its responsibilities are duly and promptly supplied.
- (d) that all necessary facilities are accorded for any inspections by persons duly authorised by the Central Government, for the purposes of clause (a) or for checking the correctness of any information that may have been supplied under clause (c) or for the collection of any such information.
- (e) that proper accounts of the money granted are kept and are submitted to audit by such persons as the Central Government may authorise in this behalf.

(2) Before making a grant from the Fund to a local authority or the owner, agent or manager of a coal mine, the Central Government shall require such local authority or owner, agent or manager to execute a bond for the fulfilment of conditions imposed by the Central Government under sub-rule (1).

(3) It shall be a condition of every bond executed under sub-rule (2) that in the event of the local authority, owner, agent, or manager of the mine violating any condition imposed under sub-rule (1), such local authority, owner, agent or manager shall be liable to pay to the Central Government such sum or sums as may be specified in the bond, at the discretion of that Government with due regard to the circumstances of each case.

#### Statement of accounts.

33. The accounts of the Fund shall be maintained and audited in the same way as any other Fund administered by the Central Government.

#### Statistics and other information to be furnished.

34. (1) The owner, agent or manager of a coal mine shall furnish such statistics or other information as the Central Government may by written order require for the purposes of the Ordinance in such form or manner and within such time as it may specify in the order.

(2) Any owner, agent or manager of a coal mine, who without reasonable excuse fails duly to furnish the statistics or other information required by the Central Government under sub-rule (1), or furnishes statistics or other information containing a statement, entry or detail which is not to the best of his knowledge or belief true, shall be punishable with fine which may extend to five hundred rupees.

## NOTIFICATION.

<sup>1</sup> No. 7.—In pursuance of sub-section (2) of section 95 of the Government of India Act, 1935, the Governor General in his discretion is pleased to direct that the Coal Mines Labour Welfare Fund Ordinance, 1944 (Ordinance No. VII of 1944), shall apply to British Baluchistan subject to the modification that in the said Ordinance all references to a Provincial Government shall be construed as reference to the Chief Commissioner of British Baluchistan.

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The Coal Production Fund Ordinance, 1944

## ORDINANCE No. XXXIX of 1944

*An Ordinance to constitute a fund for the financing of activities for the improvement of production, marketing and distribution of coal and coke.*

WHEREAS an emergency has arisen which makes it necessary to constitute a fund for the financing of activities for the improvement of production, marketing and distribution of coal and coke ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

**Short title, extent and commencement.**

1. (1) This Ordinance may be called the Coal Production Fund Ordinance, 1944.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

**Imposition and collection of Excise and Customs Duties.**

2. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf there shall be levied and collected as a cess for the purposes of this Ordinance, on all coal and coke despatched from collieries in British India a duty of excise at such rate, not exceeding one rupee and four

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<sup>1</sup> Vide G. of I. Gaz. Part I, sec. 1, p. 102 of 10/2/44.



anhas per ton, as may from time to time be fixed by the Central Government by notification in the Official Gazette;

Provided that the Central Government may, by notification in the Official Gazette, exempt from liability to the duty of excise any specified class or classes of coal or coke,

(2) During the period in which a duty of excise is being levied under sub-section (1), the Central Government may, by notification in the Official Gazette, levy and collect as a cess for the purposes of this Ordinance, a duty of customs on all coal and coke brought into British India from any foreign country or from the territory of any Indian State, at a rate equivalent to the rate of the duty of excise levied under sub-section (1) :

Provided that the duty of customs shall not be levied on any class or classes of coal or coke for the time being exempted from liability to the duty of excise under the proviso to sub-section (1).

(3) A duty levied under this section shall be in addition to any other duty of excise or customs for the time being leviable under any other law.

(4) The duties imposed by this section shall, subject to and in accordance with the rules made under this Ordinance in this behalf, be collected on behalf of the Central Government by such agencies and in such manner as may be prescribed by the rules.

#### **The Coal Production Fund.**

3. (1) The proceeds of the duties imposed by section 2 shall be credited to a fund to be called the Coal Production Fund (hereinafter referred to as the Fund).

(2) The Fund shall be applied by the Central Government to meet expenditure incurred on measures which in the opinion of the Central Government it is necessary or expedient to take for the improvement of production, marketing or distribution of coal or coke.

(3) Without prejudice to the generality of sub-section (2), the Fund may be utilised to defray—

(a) the cost of administering the Fund ;

(b) the salaries and allowances, if any, of Inspectors

and other officers who may be appointed to supervise or carry out the activities financed from the Fund ;

- (c) the grant of bonuses to colliery owners for increased output of coal ;
- (d) the deficit, if any, on any scheme for establishing and maintaining labour camps in coalfields under the supervision of the Central Government for the purpose of providing such labour for work in coal mines and for providing for the transport of colliery labour to and from work ;
- (e) the deficit, if any, on any scheme for the procurement and sale of colliery stores and equipment ;
- (f) the grant to a Provincial Government, a local authority or the owner, agent or manager of a coalmine of money in aid of any scheme approved by the Central Government for the improved production, marketing or distribution of coal or coke ;
- (g) the cost of administering any system of control for the time being in force of the production, marketing or distribution of coal or coke ;
- (h) any other expenditure which the Central Government directs to be defrayed from the Fund.

(4) The Central Government shall have power to decide whether any particular expenditure is or is not debitable to the Fund, and its decision shall be final.

(5) The Central Government shall publish annually in such form and manner as may be prescribed by rules an account of all sums received into and paid out of the Fund.

#### **Appointment and powers of officers.**

4. (1) The Central Government may appoint Inspectors and other officers to supervise or carry out the activities financed from the Fund.

(2) Any officers so appointed shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

(3) Any Inspector may, with such assistance if any as he thinks fit, enter at any reasonable time any place

which he considers it necessary to enter for the purpose of supervising or carrying out the activities financed from the Fund, and may do therein anything necessary for the proper discharge of his duties.

**Power to make rules.**

5. (1) The Central Government may, by notification in the Official Gazette, make rules to carry into effect the purposes and the provisions of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, rules made under this section may provide for—

- (a) the manner in which the duties imposed by this Ordinance shall be collected, the persons who shall be liable to make the payments, the making of refunds, remissions and recoveries, the deduction by collecting agencies of a percentage of the realisations to cover the cost of collection, and the procedure to be followed in remitting the proceeds to the credit of the Central Government;
- (b) the conditions governing the grant of bonuses from the Fund under clause (c) of sub-section (3) of section 3 ;
- (c) the conditions governing the grant of money from the Fund to a Provincial Government, a local authority or the owner, agent or manager of a coal mine ;
- (d) the duties of the officers appointed to supervise or carry out the activities financed from the Fund ;
- (e) the form of, and the manner of preparing, the account referred to in sub-section (5) of section 3 ;
- (f) the furnishing by owners or agents or managers of coal-mines of statistical or other information, and the punishment by fine of failure to comply with the requirements of any rule made under this clause.

## The Coal Production Fund Rules, 1944

### NOTIFICATION.

No. 1627. In exercise of the powers conferred by section 5 of the Coal Production Fund Ordinance 1944 (No. XXXIX of 1944), the Central Government is pleased to make the following rules :—

### COAL PRODUCTION FUND RULES, 1944.

#### Short title and extent.

1. (1) These rules may be called the Coal Production Fund Rules, 1944.

(2) They extend to the whole of British India, including those excluded or partially excluded areas to which the Coal Production Fund Ordinance, 1944 has been, or may hereafter be applied.

#### Definitions.

2. In these rules,—

(a) "Ordinance" means the Coal Production Fund Ordinance, 1944 ;

(b) "Fund" means the Coal Production Fund ;

#### Recovery of excise duty.

3. (1) The duty of excise imposed under sub-section (1) of section 2 of the Ordinance on coal and coke shall, when such coal or coke is despatched by rail from collieries or coke plants, be collected by the Railway Administrations concerned by means of a surcharge on freight, and such duty of excise shall be recovered—

(a) from the consignor if the freight charges are being prepaid at the forwarding station ;

(b) from the consignee if the freight charges are collected at the destination of the consignment ;

(c) from the party paying freight if the consignment is booked on the "Weight only" system.

(2) In calculating the amount of duty of excise payable on any one consignment, fractions of an anna shall be rounded off to the nearest anna.

#### Weight for charge.

4. For the purpose of the levy of the excise duty, the actual weight of a consignment rounded off to the nearest ton shall be taken into account.

**Remittance of excise duty.**

5. (1) The total amount of excise duty collected by each Railway Administration less—

- (a) refunds and write-offs, authorised by the Railway Administration under rule 6,
- (b) a deduction of such percentage as the Central Government may by notification in the Official Gazette fix, towards the cost of collection of excise duty by the Railways,

shall be credited by the Railway Administration concerned to the Controller of Coal Accounts who will credit it to the Fund.

(2) The amount of the excise duty remitted during a financial year by a Railway Administration under sub-rule (1), shall be certified as soon as possible after the close of the financial year by such officer or officers as the Central Government may appoint in this behalf.

(3) The certificates under sub-rule (2) shall be sent to the Central Government and copies thereof to the Controller of Coal Accounts by the officers concerned.

**Refunds and recoveries.**

6. (1) Where the amount of the excise duty due under these rules has not been collected either wholly or in part or where the amount collected is in excess of the amount due, the Railway Administration shall deal with the undercharge or overcharge, as the case may be, on the same principles as apply to undercharges and overcharges in regard to railway freight charges.

(2) When it is proved to the satisfaction of the Central Government, or any person authorised in this behalf by the Central Government, that any coal on which the duty of excise under sub-section (1) of section 2 of the Ordinance had previously been collected, has been used in the manufacture of any coke on which also the duty has been collected, the Central Government or the person authorised in this behalf by the Central Government may order refund of an amount equal to the duty collected on such coal to the person from whom such duty was collected.

**Conditions of grants.**

7. (1) In each case in which a grant is made by the Central Government from the Fund to a Provincial Government, a local authority or the owner, agent or manager of a coal mine in aid of any scheme approved by the Central Government for any purpose for which the Fund may be utilised, the Central Government shall impose such conditions as it may consider necessary for ensuring—

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- (a) that the work for which the grant is made is duly and promptly executed and the money is actually utilised for the purpose for which it is granted;
  - (b) that the data on which the grant is calculated are in accordance with facts;
  - (c) that any particulars which the Central Government may from time to time require for the proper discharge of its responsibilities are duly and promptly supplied;
  - (d) that all necessary facilities are accorded for any inspections by persons duly authorised by the Central Government, for the purposes of clause (a) or for checking the correctness of any information that may have been supplied under clause (c) or for the collection of any such information;
  - (e) that proper accounts of the money granted are kept and are submitted to audit by such persons as the Central Government may authorise in this behalf;
- (2) Before making a grant from the Fund, to a local authority or the owner, agent or manager of a coal mine, the Central Government shall require such local authority or owner, agent or manager to execute a bond for the fulfilment of the conditions imposed by the Central Government under sub-rule (1).
- (3) It shall be a condition of every bond executed under sub-rule (2) that in the event of the local authority, owner, agent or manager of the mine violating any condition imposed under sub-rule (1), such local authority owner, agent or manager shall be liable to pay to the Central Government such sum or sums as may be specified in the bond, at the discretion of the Central Government, with due regard to the circumstances of each case.
- Statistics and other information to be furnished.**

8. (1) The owner, agent or manager of a coal mine shall furnish such statistics or other information as the Central Government may by written order require for the purposes of the Ordinance in such form or manner and within such time as it may specify in the order.

(2) Any owner, agent or manager of a coal mine, who without reasonable excuse, fails duly to furnish the statistics or other information required by the Central Government under sub-rule (1), or furnishes statistics or other information containing a statement, entry or detail which is not to the best of his knowledge or belief true, shall be punishable with fine which may extend to five hundred rupees.

The Essential Services (Maintenance)  
Ordinance, 1941

<sup>1</sup> ORDINANCE No. XI of 1941

*An Ordinance to make provision for the maintenance of certain essential services.*

WHEREAS an emergency has arisen which renders it necessary to make provision for the maintenance of certain essential services ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

**Short title, extent and commencement.**

1. (1) This Ordinance may be called the Essential Services (Maintenance) Ordinance, 1941.

(2) It extends to the whole of British India.

(3) It shall come into force at once.

**Interpretation.**

2. In this Ordinance, unless there is anything repugnant in the subject or context, "employment" includes employment of any nature and whether paid or unpaid.

**Employment to which this Ordinance applies.**

3. This Ordinance shall apply to all employment under the Crown and to any employment or class of employment which the Central Government or a Provincial Government, being of opinion that such employment or class of employment is essential for securing the defence of British India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies or services necessary to the life of the community, may by notification in the Official Gazette, declare

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<sup>1</sup> Vide G. of I. Gaz. Extraordinary of 20/12/41.

to be an employment or class of employment to which this Ordinance applies.

**Power to order persons engaged in certain employments to remain in special areas.**

4. (1) In respect of any employment under the Crown, the Government under which the person or persons concerned are employed or an officer authorised in this behalf by that Government<sup>1</sup> and in respect of any employment or class of employment declared under section 3 to be an employment or class of employment to which this Ordinance applies, the Government making the declaration or an officer authorised in this behalf by that Government, may by general or special order, direct that any person or persons engaged in such employment shall not depart out of such area or areas as may be specified in such order.

(2) An order made under sub-section (1) shall be published in such manner as the Government or officer making the order considers best calculated to bring it to the notice of the persons affected by the order.

#### **Offences.**

5. Any person engaged in any employment or class of employment to which this Ordinance applies who—

- (a) disobeys any lawful order given to him in the course of such employment, or
- (b) without reasonable excuse abandons such employment or absents himself from work, or
- (c) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the authority making that order,

and any employer of a person engaged in an employment or class of employment declared under section 3 to be an employment or class of employment to which this Ordinance applies, who without reasonable cause—

- (i) discontinues the employment of such person, or
- (ii) by closing an establishment in which such person

<sup>1</sup> Words "In respect.....Government" added vide Ordinance No. XXVI of 1942, G. of I. Gaz. Extraordinary of 28-5-42.



is engaged, causes the discontinuance of his employment.

is guilty of an offence under this Ordinance.

**<sup>1</sup>Explanation.**

1. The fact that a person apprehends that by continuing in his employment he will be exposed to increased physical danger is not a reasonable excuse within the meaning of clause (b).

2. A person abandons his employment within the meaning of clause (b) who, notwithstanding that it is an express or implied term of his contract of employment that he may terminate his employment on giving notice to his employer of his intention to do so, so terminates his employment without the previous consent of his employer.

**Regulation of wages and conditions of Service.**

6. The Central Government or 2\*\*\* a Provincial Government may make rules regulating or empowering a specified authority to regulate the wages and other conditions of service of persons or of any class of persons engaged in any employment or class of employment declared under section 3 to be an employment or class of employment to which this Ordinance applies.

(2). When any such rules have been made or when any directions regulating wages or conditions of service have been given by an authority empowered by such rules to give them, any person failing to comply therewith is guilty of an offence under this Ordinance.

**Penalties and procedure.**

7. (1) Any person found guilty of an offence under this Ordinance shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

(2) Where the person accused of an offence under this Ordinance is a company or other body corporate, every

<sup>1</sup> Explanations added vide Ordinance No. XXVI of 1942, G. of I., Gaz. Extra pp. 709-710 of 28-5-42.

<sup>2</sup> Words omitted, *ibid*.

director, manager, secretary or other officer thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence, be liable to the punishment provided for the offence.

(3) No Court shall take cognizance of any offence under this Ordinance except upon complaint in writing made by a servant of the Crown<sup>1</sup> authorised in this behalf by the Central or a Provincial Government.

<sup>2</sup>(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under this Ordinance shall be cognizable.

#### **Bar of legal proceedings**

8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance or the rules made thereunder.

#### **Effect of orders, rules, etc., made under this Ordinance.**

9. Nothing contained in this ordinance or in any declaration or order made thereunder shall have effect in derogation of any provision of law for the time being in force imposing upon a person engaged in an employment or class of employment to which this Ordinance applies any liability to be called up for national service or to undertake employment in the national service.

#### **NOTIFICATIONS.**

In exercise of the powers conferred by section 3 of the Essential Services (Maintenance) Ordinance, 1941 (Ordinance No. XI of 1941), the Central Government or the Provincial Government, being of the opinion that classes of employment specified in the schedule below are essential for securing the Defence of British India and the efficient prosecution of the War and for maintaining supplies and services necessary for the life of the community, have declared them the employments to which the Ordinance applies.

<sup>1</sup> Words "Servant of the Crown" subs. for "person" vide Ordinance No. II of 1943. G. of I. Gaz. Extra. of 9/1/43.  
<sup>2</sup> Sub-sec. 4, added vide Ordinance No. XXVI of 1942, G. of I. Gaz. of 28/5/42.  
<sup>3</sup> Sec. 9 subs. vide Ordinance No. XXXVIII of 1942.

**SCHEDULE.**

- (1) The Bombay Port Trust.
- (2) The Municipal Corporation of the City of Bombay.
- (3) The Bombay Electric Supply and Tramways Company, Limited.
- (4) The Bombay Telephone Company, Limited.
- (5) Kerosene Installation of the Burmah-shell Oil Storage and Distributing Company of India Limited at Sewree, Bombay.
- (6) Benzine Installations of the Burmah-shell Oil Storage and Distributing Company of India Limited at Sewree, Bombay.
- (7) Fuel Oil Installations of the Burmah-shell Oil Storage and Distributing Company of India Limited at Wadi Bunder, Bombay.
- (8) Installation of the Burmah-shell Oil Storage and Distributing Company of India, Limited at the Aircraft Service Station, Juhu (Bombay Suburban District.)
- (9) Petrol Installation of the Standard Vacuum Oil Company, Limited at Wadala, Bombay.
- (10) Kerosene Installation of the Standard Vacuum Oil Company, Limited at Sewree, Bombay.
- (11) Mazagaon Black Oil Installation of the Standard Vacuum Oil Company, Limited at Hay Bunder, Bombay.
- (12) Petro' Installation of Caltex (India) Limited at Wadala, Bombay.
- (13) Kerosene Installation of Caltex (India) Limited at Sewree, Bombay.
- (14) Diesel Oil Installation of Caltex (India) Limited at Hay Bunder, Bombay.
- (15) Any employment in connection with the regulation, construction, maintenance or operation of a Federal railway, not being employment under the Crown (G. of 1178/S.M./41.)
- (16) Any employment in connection with the regulation, maintenance or operation of the British Overseas Airways Corporation and the Indian National Airways Limited.
- (17) Employment under the Fire Salvage Association of Bombay Limited in connection with Salvage and protection of property damaged by enemy action or otherwise, including property insured by Government against War-risks.
- (18) Any employment under an Oil Company in connection with refuelling of aircraft belonging to the Royal

- Air Force. The Indian Air Force, United States Army Air Force, or the Chinese Air Force.
- (19) Employment as shore Staff attending to the s.s. "Chandravati" and the s.s. "San Francisco Xavier" at the Ferry Wharf at Bombay.
  - (20) Employment as shore Staff at the Port of Rewas and as crew on boats engaged for the purpose of embarking and disembarking passengers at the said Port.
  - (21) Employment as shore Staff at the Port of Dharmtar and as crew on boats engaged for the purpose of embarking and disembarking passengers at the said Port.
  - (22) Employment as Officers and Crew under the Bombay Steam Navigation Company, Limited, and the Indian Co-operative Navigation and Trading Company, Limited.
  - (23) Employment as Officers and Crew under the Mazagon Dock Limited.
  - (24) Employment under the Indian Radio and Cable Communications Company, Limited in connection with their Communication Services.
  - (25) The Bombay Gas Company, Limited.
  - (26) Kerosene installation of the Indo-Burma Petroleum Company, Limited, at Sewree, Bombay.
  - (27) Petroleum Installations of the Indo-Burma Petroleum Company Limited, at Wadala, Bombay.
  - (28) Tata Hydro Electric Power Supply Company, Limited.
  - (29) Andhra Valley Power Supply Company, Limited.
  - (30) Tata Power Company, Limited.
  - (31) The Reserve Bank of India, Bombay.
  - (32) The Imperial Bank of India, Bombay.
  - (33) The Poona City Municipality.
  - (34) The Poona Suburban Municipality.
  - (35) The Cantonment Boards, Poona.
  - (36) The Cantonment Boards, Kirkee.
  - (37) The Poona Electric Supply Company, Poona.
  - (38) The Imperial Bank of India, Poona.
  - (39) The Selur Jubilee Motors, Limited, Poona.
  - (40) The Telegraph Department, Poona.
    - (a) The Telegraph Engineering ;
    - (b) The Telegraph Traffic.
  - (41) The Telephone Department, Poona.
  - (42) The Burma Shell combined Depot, Poona.
  - (43) The Burma Shell Office, Poona.
  - (44) The Explosives Magazines of Anglo-thai Corporation, Limited at Trombay.
  - (45) The Drum Factory of the Texas Company (China)

Limited at Wadi Bunder, Bombay.

- (46) The Caltex (India) Limited Petrol & Diesel Oil Department, Poona.
- (47) The Standard Vacuum Oil Company Petrol Depot, Poona.
- (48) The General Manager's Office, Burmah Shell Oil Storage & Distributing Company of India, Limited, Bombay.
- (49) Branch Office, Burmah Shell Oil Storage and Distributing Company India, Limited, Bombay.
- (50) Bombay General Office of Caltex (India) Limited.
- (51) Bombay District Office of Caltex (India) Limited.
- (52) Bombay Territory Office Standard Vacuum Oil Company, Limited.
- (53) General Management's Office Standard Vacuum Oil Company, Limited at Indian Mercantile Chamber and Imperial Chamber Ballard Estate, Bombay.
- (54) Manager's Office, Indo-Burma Petroleum Company, Bombay.
- (55) Municipal Committee, Ahmedabad.
- (56) Bandra Municipality.
- (57) Employment in connection with the maintenance, working or management of the undertaking for the supply of Electricity in the area of supply referred to in clause 4 of the Hubli Electric license, 1924.

## The Factories (Control of Dismantling)

Ordinance, 1943\*

ORDINANCE No. XXXI of 1943.

*An Ordinance to control the dismantling of factories.*

WHEREAS an emergency has arisen which makes it necessary to control the dismantling of factories ;

NOW, THEREFORE, in exercise of the powers conferred by Sec. 72 of the Government of India Act, as set out in the 9th Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

\* Vide G. of B. Gaz. Part IV p. 189 to 191 of 28-8-43. •

**Short title, extent and commencement.**

1. (1) This Ordinance may be called the Factories (Control of Dismantling) Ordinance, 1943.
- (2) It extends to the whole of British India.
- (3) It shall come into force at once.

**Definitions.**

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “to dismantle” a factory means to remove from its position the machinery or part of the machinery of the factory, where by such removal the factory is rendered wholly or partly useless for its purpose; but does not include any temporary removal of the machinery or part of the machinery for purposes such as adjustment, cleaning and repairs;
- (b) “factory” means a factory as defined in clause (j) of sec. 2 of the Factories Act, 1934 (XXV of 1934), but includes also any premises which were at any time after the commencement of this Ordinance a factory as so defined;
- (c) “machinery” has the meaning assigned to that word in clause (k) of Section. 2 of the Factories Act, 1934 (XXV of 1934).

**Dismantling a factory.**

3. (1) No person shall, without the written permission of the Central Government or of an officer authorised in this behalf by the Central Government dismantle any factory or remove from a factory any spare parts kept for maintaining the machinery of the factory in order.

(2) Whoever contravenes any of the provisions of sub-sec. (1) shall be punished with imprisonment which may extend to two years or with fine or with both.

**Offences by corporations.**

4. If the person contravening any of the provisions of sub-section (1) of Sec. 3 is a company or other corporate body, every director, manager or secretary or other officer

or agent thereof, shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

**Powers of entry, examination, taking evidence, etc.**

5. (1) Subject to any rules made by the Central Government any officer authorised in this behalf by that Government, may, if he has reason to believe that any person has contravened any of the provisions of sub-sec. (1) of sec. 3 within the local limits for which he is so authorised,

- (a) enter with such assistants (if any), being persons in the service of the Crown as he thinks fit, any place ; z
- (b) make such examination of the place and of any machinery, books or documents therein and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Ordinance ; and
- (c) exercise such other powers as may be necessary for carrying out the purposes of this Ordinance :

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

(2) Whoever wilfully obstructs an officer authorised under sub-sec. (1) in the exercise of any power conferred by that sub-section or fails to produce on demand any book or document in his custody or to comply with any demand for information, or knowingly or recklessly makes to such officer a statement false in a material particular shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

**Cognizance of offences.**

6. No prosecution for any offence under this Ordinance shall be instituted except by or with the previous sanction of the Central Government or the officer authorised by the Central Government for the purposes of sub-sec. (1) of sec. 3.

**Bar of legal proceedings.**

7. No suit, prosecution, or other legal proceeding shall lie against any person for anything which is in good faith done, or intended to be done, under this Ordinance.

**Power to make rules.**

8. (1) The Central Government may make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide—

(a) for the procedure for the grant of the permission referred to in sub-sec. (1) of sec. 3.

(b) for an appeal against a refusal to grant the permission referred to in sub-sec. (1) of sec. 3 when such refusal is by an officer authorised in pursuance of that section, and

(c) for regulating the manner in which officers authorised under sub-sec. (1) of sec. 5 shall exercise their powers

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**RULES.**

No. F. 70-ID (40/43, dated New Delhi, the 6th November 1943.

In exercise of the powers conferred by section 8 of the Factories (Control of Dismantling) Ordinance, 1943, the Central Government is pleased to make the following rules, namely:—

1. These Rules may be called the Factories (Control of Dismantling) Rules, 1943.

2. In these Rules—

(a) "the Ordinance" means the Factories (Control of Dismantling) Ordinance, 1943;

(b) "sanctioning authority" means an officer authorised for the purposes of sub-section (1) of section 3 of the Ordinance, that is to say,—

(i) The Textile Commissioner and the Chief Controller, Raw Materials and Stores, Cotton Textile Directorate, in relation to factories engaged in the manufacture of cotton textile goods and starch.

(ii) the Controller General, Civil Supplies, in all other cases.

3. (1) Any person desiring to dismantle any factory or to remove from a factory any spare parts kept for maintaining the machinery of the factory in order may apply in writing to